

RESOLUTION NUMBER R- **305753**  
~~APR 15 2010~~  
DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT WITH BAKER AND MCKENZIE IN AN AMOUNT UP TO \$8,250 TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE REPRESENTATION OF MICHAEL RIVO AND AUTHORIZING THE COMPTROLLER TO EXPEND RELATED FUNDS

WHEREAS, on or about March 2010, Plaintiffs Judith Italiano and the Municipal Employee's Association noticed the deposition of Deputy City Attorney Michael Rivo in the case, *Municipal Employee's Association et al. v. City of San Diego et al.*, San Diego Superior Court case number 37-2008-00096145-CU-BC-CTL. The scope of this deposition relates to actions taken by Deputy City Attorney Michael Rivo in or around 2002 in his capacity as a deputy city attorney. The City Attorney's Office has a conflict in representing Michael Rivo at this deposition. Therefore, the City needs outside legal counsel to represent Michael Rivo for purposes of this deposition; and

WHEREAS, the firm of Baker and McKenzie has previously represented Michael Rivo in related matters; and

WHEREAS, the firm of Baker and McKenzie has the necessary skills and experience to assist the City in representing Michael Rivo in this matter; and

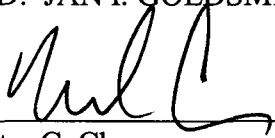
WHEREAS, the Council has determined to retain Baker and McKenzie to represent Michael Rivo; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized enter into a contract with Baker and McKenzie for outside counsel services for an

amount not to exceed \$8,250 to represent Michael Rivo at his deposition in the case, *Municipal Employee's Association et al. v. City of San Diego et al.*, San Diego Superior Court case number 37-2008-00096145-CU-BC-CTL.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend up to \$8,250 from the Public Liability Fund.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Walter C. Chung  
Deputy City Attorney

WCC:wcc  
04/01/2010  
CC.: 3000003189  
Or.Dept:ATTY.  
R-2010-717

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 13 2010.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4-15-10  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000003189  
 DEPT. NO. 1211

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \_\_\_\_\_ \$8,250.00

Vendor: Baker & McKenzie LLP

Purpose: Authorize the City Attorney to enter into a contract with Baker & McKenzie LLP, for outside counsel services in the amount not to exceed \$8,250 for the case San Diego Municipal Employees Association and Judith M. Italiano v City of San Diego, et al. Authorize the CFO to expend the amount from the Public Liability Fund (720045).

Date: March 29, 2010 By: *Pam Halbat*  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
	720045				512042	1515	1515000011		\$8,250.00
TOTAL AMOUNT									\$8,250.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000003189

R 305753

APR 13 2010