

5500

RESOLUTION NUMBER R- 306160
DATE OF FINAL PASSAGE OCT 04 2010

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND PAUL, PLEVIN, SULLIVAN & CONNAUGHTON, LLP, IN AN AMOUNT NOT TO EXCEED \$10,000 FOR EXPERT LEGAL CONSULTANT SERVICES RELATED TO ELIMINATION OF CITY RETIREMENT OFFSET FOR ELECTED OFFICIALS AND UNREPRESENTED CITY EMPLOYEES, AUTHORIZING THE MAYOR OR DESIGNEE TO EXECUTE THE AGREEMENT, AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND FUNDS FOR THE AGREEMENT

WHEREAS, on August 3, 2010, the San Diego City Council, by a two-thirds vote, adopted an ordinance submitting to the qualified voters of the City of San Diego at the Municipal Special Election to be held on November 2, 2010, a proposition imposing a temporary transactions (sales) and use tax to be administered by the State Board of Equalization; and

WHEREAS, the proposition contains language that the tax will not be operative until certain conditions related to financial reforms have been satisfied, including the following condition: "Ordinance to Eliminate Employee Retirement Offsets for Elected Officials and Unrepresented City Employees: An ordinance has been adopted to eliminate retirement offsets for elected officials and those City employees who are not represented by a labor organization. For purposes of this section, 'Retirement Offsets' means the amount of an individual's retirement system contribution which the City agrees to pay on behalf of the individual."; and

WHEREAS, by Memorandum dated August 5, 2010, Councilmembers Donna Frye and Todd Gloria and Council President Pro Tem Kevin Faulconer requested that an ordinance to eliminate the City retirement offset for elected officials and unrepresented City employees be docketed for a September 2010 City Council meeting; and

WHEREAS, the City Attorney is identifying a conflict of interest in providing legal advice and assistance regarding the request dated August 5, 2010; and

WHEREAS, under San Diego City Charter section 40, the City Council has the authority to employ competent technical legal attorneys, to serve the City in addition to the City Attorney, when the assistance or advice is necessary in connection with the work of a City department; and

WHEREAS, it is the desire of the City Council and the Mayor, as the chief executive officer over the Department of Human Resources, Office of Labor Relations, to employ the law firm of Paul, Plevin, Sullivan & Connaughton, LLP, to provide expert legal consultant services in connection with legal advice regarding the elimination of City retirement offset for elected officials and unrepresented City employees, under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk, as Document No. RR- 306160; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council approves an Agreement between the City of San Diego and the law firm of Paul, Plevin, Sullivan & Connaughton, LLP, in an amount not to exceed \$10,000, under the terms and conditions set forth in the Agreement on file in the Office of the City Clerk as Document No. RR- 306160, for expert legal consultant services in connection with legal advice regarding elimination of City retirement offset for elected officials and unrepresented City employees.

BE IT FURTHER RESOLVED, that staff be instructed to modify the scope of work to include analysis of San Diego Municipal Code section 24.1704 or other sections to require a substantially equal contribution from current and future City elected officials for the normal cost of their retirement allowances.

R- 306160

BE IT FURTHER RESOLVED, that the Mayor or designee is authorized to execute the Agreement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer or designee is authorized to expend an amount not to exceed \$10,000 from Citywide cost allocations for the services set forth in the Agreement between the City of San Diego and Paul, Plevin, Sullivan & Connaughton, LLP.

APPROVED AS TO FORM: JAN I. GOLDSMITH, City Attorney

By Joan F. Dawson
Joan F. Dawson
Deputy City Attorney

JFD:ccm
9/3/2010
9/21/2010 REV.
Or.Dept:City Attorney
R-2011-186

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 21 2010.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 10-4-10
(date)

[Signature]
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor