

RESOLUTION NUMBER R- 306438  
DATE OF FINAL PASSAGE DEC 14 2010

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY TO EXECUTE AN AMENDMENT TO THE FIRST AMENDED AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND THE LAW OFFICES OF FRANK CLOWNEY, ATTORNEY AT LAW, IN CONNECTION WITH SERVICES RELATING TO THE DEFENSE OF THE PETITION FOR WRIT OF MANDATE BROUGHT BY FORMER CITY OF SAN DIEGO EMPLOYEE STEVE GOLD.

WHEREAS, on October 4, 2007, the City of San Diego and the Law Offices of Frank Clowney (Law Firm) entered into an Agreement for Legal Services in an amount not to exceed \$7,500, whereby the Law Firm was to provide legal services relating to the defense of the Petition for Writ of Mandate brought by former City employee Steve Gold; and

WHEREAS, the Agreement for Legal Services was filed on April 6, 2006, and is on file in the Office of the City Clerk as Document No. C-14162; and

WHEREAS, on September 22, 2009, the Agreement for Legal Services was amended to include legal services relating to the appeal from the trial court's judgment on the Petition for Writ of Mandate brought by Mr. Gold and, correspondingly, the amount was increased to not to exceed \$35,000; and

WHEREAS, the First Amended Agreement for Legal Services was filed on September 23, 2009, and is on file in the Office of the City Clerk as Document No. C-15036; and

WHEREAS, the amount of compensation authorized by the Agreement for Legal Services and the First Amended Agreement to be paid to the Law Firm has been exhausted; and

WHEREAS, the litigation of the Petition for Writ of Mandate brought by Mr. Gold has recently concluded; and

WHEREAS, an invoice in an amount less than \$5,000 remains outstanding for legal services performed by the Law Firm; and

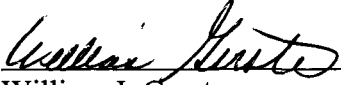
WHEREAS, it is therefore necessary for the City Council to authorize payment of this outstanding invoice; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized to execute, for and on behalf of the City, an amendment to the First Amended Agreement between the City of San Diego and the Law Offices of Frank Clowney, Attorney at Law, in connection with services relating to the defense of the Petition for Writ of Mandate brought by former City of San Diego employee Steve Gold.

BE IT FURTHER RESOLVED, that the allocation of funds is not to exceed \$5,000 for payment of outstanding legal fees and expenses.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$5,000 from the Public Liability Fund to meet this obligation.

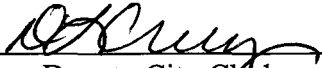
APPROVED: JAN I. GOLDSMITH, City Attorney

By  \_\_\_\_\_  
William J. Gersten  
Deputy City Attorney

WJG:ccm  
10/15/2010  
Or.Dept:Risk Management

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC. 7 2010.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12.14.10  
(date)

  
JERRY SANDERS, Mayor

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

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