

306441

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

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE PAYMENT OF LEGAL FEES TO THE LAW FIRM OF HIGGS, FLETCHER & MACK AND GLASER, WEIL, FINK, JACOBS, HOWARD AND SHAPIRO.

WHEREAS, in 2008, in the City’s lawsuit against SDCERS over the issue of when certain pension benefits for new City employees hired on or after July 1, 2005 ended, either on July 1, 2005, or February 17, 2007;

WHEREAS, the Court required the affected employees be made parties to the lawsuit as necessary parties, and the affected employees were made part of the lawsuit by way of two defendant classes, a class of employees consisting of those employees that are represented by a recognized labor organization and a class of those employees who are not represented by a recognized labor organization;

WHEREAS, the law firm of Higgs, Fletcher and Mack was retained by the class of employees who are not represented by a recognized labor organization;

WHEREAS, the law firm of Glaser, Weil, Fink, Jacobs, Howard and Shapiro was retained by the class of employees who are represented by a recognized labor organization;

WHEREAS, the City agreed to reimburse the class representative for the two defendant employee classes for their attorneys’ fees incurred by these two law firms for legal services related at the trial level only; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes:

- 1. Authorize the City Attorney to reimburse the law firms of Higgs, Fletcher & Mack and Glaser, Weil, Fink, Jacobs, Howard and Shapiro, for legal services in an amount not to

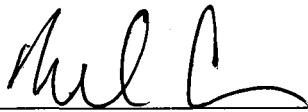
exceed \$65,000 to continue to represent certain City employees in litigation at the trial level where the City was required to make certain City employees defendants in the case to determine when the pension benefits for new City employees ended, on July 1, 2005 or February 17, 2007.

2. Authorize the Chief Financial Officer to appropriate and expend up to \$15,000 to the law firms of Higgs, Fletcher & Mack and \$50,000 to Glaser, Weil, Fink, Jacobs, Howard and Shapiro for their services in representing the class defendants at the trial level in litigation with the City over when pension benefits terminated for new City employees.

3. Authorize the Chief Financial Officer to apply the \$65,000 to the attached Fiscal Year 2011 FTE Cost Allocation Table, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By:



Water C. Chung
Deputy City Attorney

WCC:slc
11/10/2010
CC: 3000003742
Or.Dept: City Attorney
R-2011-512

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: 12-19-10
(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000003742
 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: \$65,000.00

Vendor: Law Offices of Higgs, Fletcher & Mack (\$15,000) & Law Offices of Glaser, Weil, Fink, Jacobs, Howard & Shapiro (\$50,000.00)

Purpose: Authorize the City Attorney to reimburse above law firms for legal services in an amount not to exceed \$65,000 to continue to represent certain City employees in litigation & at the trial level in the case to determine when the pension benefits for new City employees ended. Authorize the CFO to appropriate & expend up to \$65,000 to the law firms based on the FY 2011 FTE schedule.

Date: November 12, 2010 By: *Pam Halbut*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
			SEE	2011 FTE	SCHEDULE				
TOTAL AMOUNT									

CC-301 (REV 7-09)

FUND OVERRIDE

CC 3000003742

R 306441

DEC 07 2010