(R-2011-512)

RESOLUTION NUMBER R-	306441
RESOLUTION NUMBER R	DEC 1 4 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

7 2010 Diego, at this meeting of __DEC

ELIZABETH S. MALAND

City Clerk

Deputy City Clerk

-PAGE 2 OF 3-

Approved: 2 14 10	D S C
(date)	JERRY SANDERS, Mayor
Vetoed:	·
(date)	JERRY SANDERS, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

				CERTIFICAT	E OF UNALL	OTTED 5	SALANCE	ORIGINATING	CC 3000003742
								UNITAMINA	DEPT. NO.: 1211
n the	Treasury	CERTIFY that , or is anticipate					llotted.		g resolution is availa
Amoui	ιτ.	**************************************	······································				Fung:	······	
Purpo	se:	***************************************				-			
D=4+.		By: COMPTROLLER'S DEPARTMENT							
Date:									
Doc.		1		1	ACCOUNTING D	Business	T	· · · · · · · · · · · · · · · · · · ·	
Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Area	Cost Center	WBS	Original Amount
			l	1		L	<u> </u>	TOTAL AMO	UNT
									FUND OVERRIDE
Hach	וותפפח הב	ition, can be inci	urred without th	he violation of			the contract or agree		
irther ne pu ome i	certify, i rpose of nto the T	n conformity with said contract, th reasury, to the o	h the requirement at sufficient mo credit of the ap	ents of the Cha oneys to meet propriation fro	any of the p arter of the 0 the obligation on which the	rovisions City of Sa ons of sai same ar	of the Charter of the in Diego, that sufficie d contract are actual e to be drawn, and the	e City of San E ent moneys ha lly in the Treas hat the said m	piego; and I do hereb we been appropriate sury, or are anticipate oney now actually in herwise unencumber
urther ne pu ome i reasu	certify, i rpose of nto the T	n conformity with said contract, th reasury, to the o	h the requirement at sufficient mo credit of the ap	ents of the Cha oneys to meet propriation fro	any of the p arter of the 0 the obligation on which the	rovisions City of Sa ons of sai same ar	of the Charter of the in Diego, that sufficie d contract are actual e to be drawn, and the	e City of San E ent moneys ha lly in the Treas hat the said m	Diego; and I do hereb we been appropriate sury, or are anticipate oney now actually in
urther ne pu ome i reasu	certify, i rpose of nto the T iry, toget Exceed:	n conformity with said contract, th reasury, to the o her with the mor	h the requirement sufficient mo credit of the apneys anticipate	ents of the Chaneys to meet propriation fro	any of the p arter of the 0 the obligation on which the othe Treasur \$65,000.00	rovisions City of Sa ons of sai same ar ry, to the	of the Charter of the in Diego, that sufficie d contract are actual e to be drawn, and the	e City of San Dent moneys ha lly in the Treas hat the said m priation, are ot	Diego; and I do hereb we been appropriate sury, or are anticipate oney now actually in herwise unencumber
urther ne pu ome reasu lot to l	certify, in pose of the Total the Total to the Total toget Exceed:	n conformity with said contract, the reasury, to the other with the more	h the requirement sufficient mocredit of the appress anticipate aggs, Fletcher &	ents of the Chappeys to meet propriation fro do to come into	any of the p arter of the 0 the obligation of which the the Treasure \$65,000.00	rovisions City of Sa ons of sai same ar ry, to the	of the Charter of the In Diego, that sufficied contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs	e City of San Dent moneys ha lly in the Treas hat the said m priation, are ot . Howard & Sha	Diego; and I do hereb tive been appropriate sury, or are anticipate oney now actually in herwise unencumber apiro (\$50,000.00)
urther he pu ome reasu lot to l	certify, in pose of the Total the Total to the Total toget Exceed:	n conformity with said contract, the reasury, to the contract with the more than the m	h the requirement sufficient moderedit of the appreciate anticipate anticipate and a sufficient suf	ents of the Chappeys to meet propriation from the design of the come into the mark (\$15,000 mburse above less in litigation & a	any of the parter of the 0 the obligation which the othe Treasures \$65,000.00 3 & Law Official aw firms for leat the trial level.	rovisions City of Sa ons of sai same ar ry, to the ces of Glas	of the Charter of the In Diego, that sufficie do contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to set on determine when	e City of San Dent moneys ha lly in the Treas hat the said moriation, are of he had been said moriation, are of he howard & Sha	Diego; and I do herebove been appropriated sury, or are anticipated oney now actually in herwise unencumber apiro (\$50,000.00)
urther he pu ome reasu lot to l	certify, in pose of the Total the Total to the Total toget Exceed:	n conformity with said contract, the reasury, to the contract with the more than the m	h the requirement sufficient moderedit of the appreciate anticipate anticipate and a sufficient suf	ents of the Chappeys to meet propriation from the design of the come into the mark (\$15,000 mburse above less in litigation & a	any of the parter of the 0 the obligation which the othe Treasures \$65,000.00 3 & Law Official aw firms for leat the trial level.	rovisions City of Sa ons of sai same ar ry, to the ces of Glas	of the Charter of the In Diego, that sufficie do contract are actual e to be drawn, and the credit of said appropriate. Ser, Weil, Fink, Jacobs ces In an amount not to	e City of San Dent moneys ha lly in the Treas hat the said moriation, are of he had been said moriation, are of he howard & Sha	Diego; and I do herebove been appropriated sury, or are anticipated oney now actually in herwise unencumber apiro (\$50,000.00)
urther he pu ome i reasu lot to l 'endor	certify, in pose of the Total the Total to the Total toget Exceed:	n conformity with said contract, the reasury, to the contract with the more than the m	h the requirement sufficient moderedit of the appreciate of the appreciate anticipate of the sufficient suffic	ents of the Chappeys to meet propriation from the design of the come into the mark (\$15,000 mburse above less in litigation & a	any of the parter of the 0 the obligation which the othe Treasures \$65,000.00 3 & Law Official aw firms for leat the trial level.	rovisions City of Sa ons of sai same ar ry, to the ces of Glas	of the Charter of the In Diego, that sufficied contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to determine when 15,000 to the law firms	e City of San Dent moneys had ally in the Treashat the said moriation, are of the control of the pension being sed on the Fame of the pension being sed on the Fame of the pension being sed on the Fame of the pension being sed on the pension being sed on the Fame of the pension being sed on the p	Diego; and I do herebove been appropriated sury, or are anticipated oney now actually in herwise unencumber apiro (\$50,000.00) To to continue to mefits for new City Y 2011 FTE scendule.
urther he pu ome reasu lot to l endor ourpos	certify, in pose of the Total the Total to the Total toget Exceed:	n conformity with said contract, the reasury, to the contract with the more than the m	h the requirement sufficient moderedit of the appreciate of the appreciate anticipate of the sufficient suffic	ents of the Chappeys to meet propriation from the design of the come into the come int	any of the parter of the 0 the obligation which the othe Treasures \$65,000.00 3 & Law Official aw firms for leat the trial level.	rovisions City of Sa cons of sai same ar ry, to the ces of Glas egal servicel in the ca d up to \$6	of the Charter of the In Diego, that sufficied contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to determine when 15,000 to the law firms	e City of San Dent moneys had ally in the Treashat the said moriation, are of the control of the pension being sed on the Fame of the pension being sed on the Fame of the pension being sed on the Fame of the pension being sed on the pension being sed on the Fame of the pension being sed on the p	Diego; and I do herebove been appropriated sury, or are anticipated oney now actually in herwise unencumber apiro (\$50,000.00)
urther he pu come reasu lot to l vendor ourpos oate:	certify, i rpose of nto the T iry, toget Exceed:	n conformity with said contract, the reasury, to the contract the cont	h the requirement sufficient moderedit of the appression anticipate signs, Fletcher & y Attorney to rein City employees d. Authorize the	ents of the Charles to meet propriation from the description of the come into the com	any of the parter of the C the obligation which the othe Treasure \$65,000.00 & Law Office the trial lever riate & expenses	rovisions City of Sa cons of sai same ar ry, to the ces of Glas cegal service in the ca d up to \$6	of the Charter of the In Diego, that sufficie do contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to determine when 15,000 to the law firms-	e City of San Dent moneys had ally in the Treas hat the said moriation, are of the pension being down the pension	Diego; and I do herebove been appropriate sury, or are anticipate oney now actually in herwise unencumber apiro (\$50,000.00) To to continue to nefits for new City Y 2011 FTE scendule.
urtherne pu ome reasu lot to lendor urpos eate:	certify, in pose of the Total the Total to the Total toget Exceed:	n conformity with said contract, the reasury, to the contract with the more than the m	h the requirement sufficient moderedit of the appreciate of the appreciate anticipate of the sufficient suffic	ents of the Chappeys to meet propriation from the design of the come into the come int	any of the parter of the C the obligation which the othe Treasure \$65,000.00 & Law Office the trial lever riate & expenses	rovisions City of Sa cons of sai same ar ry, to the ces of Glas cegal service in the ca d up to \$6	of the Charter of the In Diego, that sufficied contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to determine when 15,000 to the law firms	e City of San Dent moneys had ally in the Treashat the said moriation, are of the control of the pension being sed on the Fame of the pension being sed on the Fame of the pension being sed on the Fame of the pension being sed on the pension being sed on the Fame of the pension being sed on the p	Diego; and I do herebove been appropriated sury, or are anticipated oney now actually in herwise unencumber apiro (\$50,000.00) To to continue to mefits for new City Y 2011 FTE scendule.
urtherne pu ome reasu lot to lendor urpos eate:	certify, i rpose of nto the T iry, toget Exceed:	n conformity with said contract, the reasury, to the contract the cont	h the requirement sufficient modered to fit the appreciate of the appreciate anticipate of the appreciate of the appreci	ents of the Charles to meet propriation fro do to come into Mack (\$15,000 mburse above Is in litigation & a CFO to appropate 12, 2010	any of the parter of the Cothe obligation which the othe Treasures \$65,000.00 3 & Law Office the trial lever riate & expense of the Counting	rovisions City of Sa cons of sai same ar ry, to the ces of Glas cegal service in the ca d up to \$6	of the Charter of the In Diego, that sufficie do contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to determine when 15,000 to the law firms-	e City of San Dent moneys had ally in the Treas hat the said moriation, are of the pension being down the pension	Diego; and I do herebove been appropriate sury, or are anticipate oney now actually in herwise unencumber apiro (\$50,000.00) To to continue to nefits for new City Y 2011 FTE scendule.
urther he pu ome reasu lot to l'endor eurpos eate:	certify, i rpose of nto the T iry, toget Exceed:	n conformity with said contract, the reasury, to the contract the cont	h the requirement sufficient modered to fit the appreciate of the appreciate anticipate of the appreciate of the appreci	ents of the Charles to meet propriation fro do to come into Mack (\$15,000 mburse above Is in litigation & a CFO to appropate 12, 2010	any of the parter of the Cothe obligation which the othe Treasures \$65,000.00 3 & Law Office the trial lever riate & expense of the Counting	rovisions City of Sa cons of sai same ar ry, to the ces of Glas cegal service in the ca d up to \$6	of the Charter of the In Diego, that sufficie do contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to determine when 15,000 to the law firms-	e City of San Dent moneys had ally in the Treas hat the said moriation, are of the pension being down the pension	Diego; and I do herebove been appropriate sury, or are anticipate oney now actually in herwise unencumber apiro (\$50,000.00) To to continue to nefits for new City Y 2011 FTE scendule.
urther he pu ome reasu lot to l'endor eurpos eate:	certify, i rpose of nto the T iry, toget Exceed:	n conformity with said contract, the reasury, to the contract the cont	h the requirement sufficient modered to fit the appreciate of the appreciate anticipate of the appreciate of the appreci	ents of the Charles to meet propriation fro do to come into Mack (\$15,000 mburse above Is in litigation & a CFO to appropate 12, 2010	any of the parter of the Cothe obligation which the othe Treasures \$65,000.00 3 & Law Office the trial lever riate & expense of the Counting	rovisions City of Sa cons of sai same ar ry, to the ces of Glas cegal service in the ca d up to \$6	of the Charter of the In Diego, that sufficie do contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to determine when 15,000 to the law firms-	e City of San Dent moneys had ally in the Treas hat the said moriation, are of the pension being down the pension	Diego; and I do herebove been appropriate sury, or are anticipate oney now actually in herwise unencumber apiro (\$50,000.00) To to continue to nefits for new City Y 2011 FTE scendule.
urther he pu ome reasu lot to l'endor eurpos eate:	certify, i rpose of nto the T iry, toget Exceed:	n conformity with said contract, the reasury, to the contract the cont	h the requirement sufficient modered to fit the appreciate of the appreciate anticipate of the appreciate of the appreci	ents of the Charles to meet propriation fro do to come into Mack (\$15,000 mburse above Is in litigation & a CFO to appropate 12, 2010	any of the parter of the Cothe obligation which the othe Treasures \$65,000.00 3 & Law Office the trial lever riate & expense of the Counting	rovisions City of Sa cons of sai same ar ry, to the ces of Glas cegal service in the ca d up to \$6	of the Charter of the In Diego, that sufficie do contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to determine when 15,000 to the law firms-	e City of San Dent moneys had ally in the Treashat the said moriation, are of the pension being down Noller WBS	Diego; and I do herebove been appropriate sury, or are anticipate oney now actually in herwise unencumber apiro (\$50,000.00) Do to continue to nefits for new City Y 2011 FTE scendule. Original Amount
urther he pu ome reasu lot to l endor ourpos	certify, i	n conformity with said contract, the reasury, to the contract the cont	h the requirement sufficient modered to fit the appreciate of the appreciate anticipate of the appreciate of the appreci	ents of the Charles to meet propriation fro do to come into Mack (\$15,000 mburse above Is in litigation & a CFO to appropate 12, 2010	any of the parter of the Cothe obligation which the othe Treasures \$65,000.00 3 & Law Office the trial lever riate & expense of the Counting	rovisions City of Sa cons of sai same ar ry, to the ces of Glas cegal service in the ca d up to \$6	of the Charter of the In Diego, that sufficie do contract are actual e to be drawn, and the credit of said appropriate. Weil, Fink, Jacobs to determine when 15,000 to the law firms-	e City of San Dent moneys had ally in the Treas hat the said moriation, are of the pension being down the pension	Diego; and I do herebove been appropriate sury, or are anticipate oney now actually in herwise unencumber apiro (\$50,000.00) Do to continue to nefits for new City Y 2011 FTE scendule. Original Amount

6 306441 DEC 0 7 2010