

RESOLUTION NUMBER R- 306442

DATE OF FINAL PASSAGE DEC 14 2010

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE THE RETENTION OF LATHAM & WATKINS LLP, FOR LEGAL SERVICES IN CONNECTION WITH *DE ANZA COVE HOMEOWNERS, INC. V. CITY OF SAN DIEGO, ET AL.*, SAN DIEGO SUPERIOR COURT CASE NO. GIC821191, AND RELATED CASES FOR AN ANALYSIS OF INSURANCE COVERAGE AS IT RELATES TO THE PARK PROPERTY

WHEREAS, the City Attorney has contracted Kristine Wilkes, Esq., and the law firm of Latham & Watkins LLP, for legal services in connection with the ongoing litigation related to De Anza Harbor Resort's transition from a privately-operated mobile home to City-operated park [Park]. The litigation is entitled *De Anza Cove Homeowners, Inc. v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC821191, along with related matters, *Abbit, et al. v. City of San Diego, et al.*, SDSC Case No. GIC865536; *Aglio et al. v. City of San Diego*, SDSC Case No. 37-2009-81994, *Scottsdale Insurance Company v. City of San Diego, et al.*, SDSC Case No. 37-2008-83941; *Certain Interested Underwriters at Lloyd's v. Terra Vista Management, Inc., DeAnza Cove Homeowners Association, Inc. and City of San Diego*, SDSC Case No.: 37-2008-00092709-CU-MC-CTL and excess insurance matters. The services provided by Latham & Watkins include the analysis of insurance coverage as relates to the Park property and the litigation,

WHEREAS, in Closed Session on June 15, 2010, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6 and 7; Nays, None; and Absent, District 8 passed the motion; and

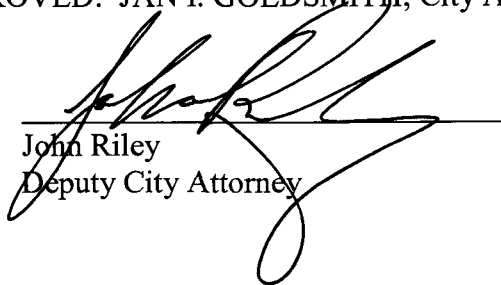
WHEREAS, this action seeks an amount not to exceed \$345,000 for retention of Latham & Watkins in the matter of De Anza Harbor and Resort litigation for purposes of insurance coverage analysis. NOW, THEREFORE;

BE IT RESOLVED that the Chief Financial Officer is authorized and empowered to execute, for and on behalf of the City, an agreement with Latham & Watkins for the purposes of insurance coverage analysis, for an amount not to exceed \$345,000.00 from the Public Liability Fund 720045, solely, and exclusively for the purpose of providing funds for the above described legal services and litigation expenses.

BE IT FURTHER RESOLVED, that the City Financial Officer is authorized and empowered to appropriate up to \$345,000 from the Public Liability Fund 720045 to meet this obligation.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
John Riley  
Deputy City Attorney

JR:jp  
07/13/2010  
Or.Dept:City Attorney  
CC: 3000003425  
R-2011-68

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: 12.14.12  
(date)

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

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000003425  
 DEPT. NO.: 1211  
 COMPTROLLER'S DEPARTMENT

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 indehtadneas and obligation to be iocurred 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: \_\_\_\_\_ \$345,000.00

Vendor: Latham & Watkins, LLP

Purpose: Authorizing continued retention, payment for invoices and future reserve funding for Latham & Watkins, LLP for legal services and litigation expenses in De Anza Cove Homeowners Association, Inc. v. City of San Diego. Authorize the CFO to expend up to \$345,000.00 from the Public Liability Fund (720045) contingent upon approval of the FY2011 Appropriations Ordinance.

Date: July 14, 2010 By: *Pam Hallbert*  
 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		1515000011		\$345,000.00
TOTAL AMOUNT									\$345,000.00

FUND OVERRIDE

CC 3000003425

*R-30644*

DEC 07 2010