

RESOLUTION NUMBER R- 306443

DATE OF FINAL PASSAGE DEC 14 2010

A RESOLUTION AUTHORIZING THE MAYOR TO INCREASE THE CONTRACT AMOUNT WITH THE FIRM OF BUTZ DUNN & DESANTIS, APC BY \$5,714.77 IN CONNECTION WITH LEGAL SERVICES PROVIDED IN THE DEFENSE OF SOLEDAD MOUNTAIN ROAD AND AUTHORIZING THE ALLOCATION OF RELATED FUNDS NOT TO EXCEED \$6,805,714.77 USING THE FISCAL YEAR 2011 FTE COST ALLOCATION SCHEDULE.

WHEREAS, homeowners in the Soledad Mountain Road and Desert View Drive vicinity brought legal action against the City of San Diego, which resulted in damage to City and private property; and

WHEREAS, on October 9, 2007, the City Council authorized the Mayor to retain outside legal counsel to represent the City in regard to said claims and suits; and

WHEREAS, the City entered into a contract with the law firm of Butz Dunn & DeSantis, APC; and

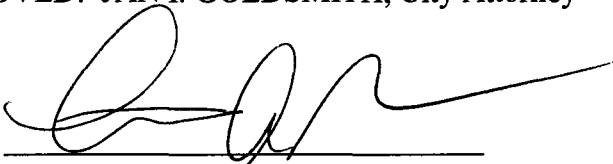
WHEREAS, a defense verdict was obtained on behalf of the City at trial on October 1, 2009, but at a higher than anticipated cost, and there remain ongoing legal matters to be closed out at an additional expense; and

WHEREAS, the final invoice from Butz, Dunn & DeSantis exceeds the contract amount previously approved by Council of the City of San Diego by \$5,714.77; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee, is authorized to increase the contract amount with Butz, Dunn & DeSantis for the provision of legal services in the Mount Soledad litigation by \$5,714.77, for a total amount not to exceed \$6,805,714.77.

BE IT FURTHER RESOLVED, that the Chief Financial Officer as delegated to Financial Management is authorized to appropriate and expend \$5,714.77 in accordance with the FY2011 FTE Allocation Schedule, for the contract mentioned above, 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   
Catherine A. Richardson  
Deputy City Attorney

CAR:bas  
10/04/10  
Or.Dept:RISK  
R-2011-515

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)

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JERRY SANDERS, Mayor