

RESOLUTION NUMBER R- 306523
DATE OF FINAL PASSAGE JAN 18 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING ADDITIONAL EXPENDITURES FOR LEGAL SERVICES OF LATHAM & WATKINS, LLP WITH REGARD TO ONGOING AND RELATED LITIGATION

WHEREAS, current and former San Diego Police Officers individually filed federal and state law claims in the United States District Court in *Erica Aaron, et al. v. City of San Diego, et. al.*, U.S. District Court Case No. 06cv1451 H (POR) (“SDPOA 3A”) based on alleged underfunding of the City’s pension, and the City engaged the law firm of Latham and Watkins to defend it in that case;

WHEREAS, after the District Court dismissed that lawsuit, the plaintiffs appealed to the United States Court of Appeals for the Ninth Circuit in the case of *Mark Annis, et al. v. Michael Aguirre, et al.*, Nos. 08-56653 & 08-56691; and

WHEREAS, after the District Court dismissed that lawsuit, some of the same plaintiffs also filed a new lawsuit with the state law claims previously dismissed in federal court in the Superior Court of San Diego County in the following case: *Erica Aaron, et al. v. City of San Diego, et. al.*, Superior Court Case No. 37-2008-00093078 (“SDPOA 3B”); and

WHEREAS , the City Council authorized continued retention of Latham & Watkins, LLP in the defense of the City in the federal appeal case and state court case; and

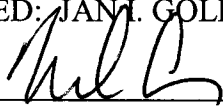
WHEREAS, the appeal and state court case were dismissed in favor of the City, but there are outstanding invoices for payment of legal services rendered by outside counsel; NOW

THEREFORE,

BE IT RESOLVED that the City’s Chief Financial Officer is authorized to expend an amount not to exceed \$36,516.24 from the Public Liability Fund, solely, and exclusively for the purpose of paying the outstanding invoices of Latham Latham & Watkins, LLP for the legal

services that were rendered in *Mark Annis, et al. v. Michael Aguirre, et al.*, Ninth Circuit Case Nos. 08-56653 & 08-56691 and *Erica Aaron, et al. v. City of San Diego, et. al.*, San Diego Superior Court Case No. 37-2008-00093078.

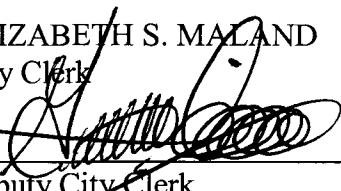
APPROVED: JANI GOLDSMITH, City Attorney

By:  FOR
George F. Schaefer
Deputy City Attorney

GFS:gb
12/20/10
Aud. Cert.: CC3000003836
Or. Dept: City Attorney
R-2011-578

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 11 2011.

ELIZABETH S. MALAND
City Clerk

By: 
Deputy City Clerk

Approved: 1-18-11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000003836
 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: _____ \$36,516.24

Vendor: Latham & Watkins, LLP

Purpose: Authorize the CFO to increase the contract and make payment of final invoices totaling \$36,516.24 for legal services rendered by Latham & Watkins in the legal cases of Mark Annis v. Michael Aguirre and Erica Aaron v. City of San Diego. Authorize the CFO to appropriate and expend an amount not the exceed \$36,516.24 from the Public Liability Fund (720045).

Date: December 15, 2010 By: *Pam Wallcut*
 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	1515	1515000011		\$36,516.24
TOTAL AMOUNT									\$36,516.24

FUND OVERRIDE

CC 3000003836

R - 308523

JAN 11 2011