

RESOLUTION NUMBER R- 306556
DATE OF FINAL PASSAGE JAN 28 2011

A RESOLUTION AUTHORIZING THE COUNCIL OF THE CITY OF SAN DIEGO TO ALLOCATE AN ADDITIONAL \$300,000 TO SUPPORT THE LITIGATION COSTS RELATED TO THE CITY OF SAN DIEGO'S DAMAGES SUSTAINED IN THE WILDFIRES OF 2007.

WHEREAS, the City of San Diego [City] filed a Complaint on June 19, 2008, and a subsequent First Amended Complaint on November 5, 2008; and

WHEREAS, after filing of the above complaints, numerous other cases were filed alleging that San Diego Gas & Electric [SDG&E] was responsible for damages resulting from the Wildfires of 2007. The court ordered the cases be organized under four Master Complaints; included were those for Individual Claimants, Class Claimants, Government Claimants, and Insurance Claimants. The City is joined by the County of San Diego, and the State of California (i.e., Cal Fire) in the Governmental Entities Group; and

WHEREAS, damages (i.e. FEMA) for fire suppression are approximately \$22 million dollars. In addition, the City has expended approximately \$5 million dollars of its own money. Environmental damages are estimated at approximately \$30 million dollars. Total damages approximate \$55 million dollars; and

WHEREAS, the City has expended approximately \$250,000 on litigation support. This request will add \$300,000 to pay for the services necessary to further litigate this case through mediation and prior to date of trial; NOW, THEREFORE,

BE IT FURTHER RESOLVED, authorize an additional \$300,000 to support the costs of litigation in the City's lawsuit related to the City's damages sustained in the Wildfires of 2007.

These costs include, litigation experts, mediation expenses, joint experts, deposition costs, repository costs, and trial preparation costs; and

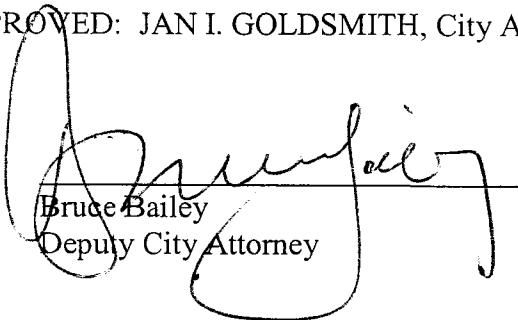
BE IT FURTHER RESOLVED, authorize the Chief Financial Officer to appropriate and expend the amount of \$174,284 from the Public Liability Fund 720045 for the litigation costs mentioned above, contingent upon the Chief Financial Officer first furnishing one or more certificates that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer; and

BE IT FURTHER RESOLVED, authorize the Chief Financial Officer to expend the amount of \$7,858 from the Metropolitan Sewer Fund 700000 for the litigation costs mentioned above, contingent upon the Chief Financial Officer first furnishing one or more certificates that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer; and

BE IT FURTHER RESOLVED, authorize the Chief Financial Officer to expend the amount of \$117,858 from the Water Fund 700011 for the litigation costs mentioned above, contingent upon the Chief Financial Officer first furnishing one or more certificates that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Bruce Bailey
Deputy City Attorney

BSB:nmm
1/6/2011
C.Cert: 3000003898
Or.Dept:City Attorney
R- 2011-565

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 25 2011.

ELIZABETH S. MALAND
City Clerk

By *Mary Zuma*
Deputy City Clerk

Approved: 1-28-11
(date)

JS
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 3000003898
 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: \$300,000.00 Fund: 700011/700000/720045

Purpose: Authorize an add'l \$300,000 to support the costs of litigation in the City's lawsuit related to the City's damages sustained in the wildfires of 2007. These costs include litigation experts, mediation expenses, joint experts, deposition costs, repository costs and trial prep costs. Authorize the CFO to appropriate and expend the amount of \$174,284 from the Public Liability Fund (720045) for the litigation costs mentioned above. Authorize the CFO to expend additional amounts of \$7,858 from the Metropolitan Sewer Fund (700000) and \$117,858 from the Water Fund (700011) for the litigation costs mentioned above.

Date: January 6, 2011 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
	700011				512042	2000	2000110001		\$117,858.00
	700000				512042	2000	2000110001		\$7,858.00
	720045				512042	1515	1515000001		\$174,284.00
TOTAL AMOUNT									\$300,000.00

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: _____

Vendor: _____

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									

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000003898


 306550

JAN 25 2011