

RESOLUTION NUMBER R- 306800

DATE OF FINAL PASSAGE MAY 26 2011

A RESOLUTION AUTHORIZING ADDITIONAL FUNDING FOR THE RETENTION OF SCHWARTZ SEMERDJIAN HAILE BALLARD & CAULEY LLP TO PROVIDE LEGAL SERVICES IN THE *THALHEIMER, ET AL. V. CITY OF SAN DIEGO, ET AL.*, U.S. DISTRICT COURT CASE NO. 09-CV-2862-IEG

WHEREAS, suit has been brought against the City in the matter of *Thalheimer, et al. v. City of San Diego, et al.*, U.S. District Court Case No. 09-CV-2862-IEG; and

WHEREAS, the City Attorney has determined he has a conflict of interest; and

WHEREAS, the City Attorney recommended the retention of the firm of Schwartz Semerdjian Haile Ballard & Cauley LLP, who has the necessary skills and experience to assist the City in this matter; and

WHEREAS, on February 2, 2010, the City Council approved the retention of Schwartz Semerdjian Haile Ballard & Cauley LLP and approved funding the retention in an amount not to exceed \$100,000; and

WHEREAS, on April 27, 2010, the City Council approved an amendment increasing the funding for the retention by \$50,000 for an amount not to exceed \$150,000; and

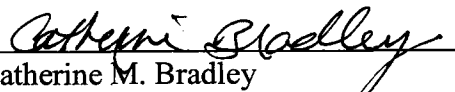
WHEREAS, on June 29, 2010, the City Council approved an amendment increasing the funding for the retention by \$90,000 for amount not to exceed \$240,000; and

WHEREAS, Schwartz Semerdjian Haile Ballard & Cauley LLP has notified the City that it has or will soon expend the full \$240,000 and is in need of additional funding to continue its representation of the City; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to amend the agreement with Schwartz Semerdjian Haile Ballard & Cauley LLP for legal services in the matter of *Thalheimer, et al. v. City of San Diego, et al.*, U.S. District Court Case No. 09-CV-2862-IEG, in an amount not to exceed an additional \$75,000 for a total contract amount of \$315,000.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to appropriate and expend up to \$315,000 for this contract applying the FY 2011 FTE allocation, 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 M. Bradley
Chief Deputy City Attorney

CMB:sc
04/07/11
05/16/11 COR.COPY
Or.Dept: Chief Operating Officer

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting on ~~MAY 10 2011~~.

ELIZABETH S. MALAND
City Clerk


By _____
Deputy City Clerk

Approved: 5-26-11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor