

RESOLUTION NUMBER R- 307153
DATE OF FINAL PASSAGE NOV 30 2011

RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A CONTRACT WITH BURKE, WILLIAMS & SORENSEN, LLP, FOR AN AMOUNT NOT TO EXCEED \$400,000; AUTHORIZING EXECUTION OF THE CONTRACT; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXPEND SPECIFIED AMOUNTS UNDER THE CONTRACT.

WHEREAS, the City of San Diego's (City) Mayor began the practice of using outside legal counsel for labor issues during the term of City Attorney Michael Aguirre and has continued that practice since; and

WHEREAS, in December 2008, City Attorney-elect Jan Goldsmith urged the San Diego City Council (City Council) to retain Burke, Williams & Sorensen, LLP, (Burke) to provide legal advice regarding annual labor negotiations for 2009 based upon his determination that, at that time, the City Attorney's Office did not have the expertise to provide that legal advice; and

WHEREAS, in 2010 and currently, City Attorney Goldsmith has determined that his Office now has the expertise to provide such legal advice and opposes retaining Burke; and

WHEREAS, for continuity reasons, the City Council desires to retain Burke, but specifically recognizes that Burke's services are to be limited to annual labor negotiations and shall not include any pending litigation or other labor or employment-related matters, and approval of this contract is not to be viewed as precedential for any future year; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Council approves and authorizes execution of a contract for legal services with Burke, Williams & Sorensen, LLP, for an amount not to exceed \$400,000, in connection with completion of Fiscal

Year 2012 labor negotiations and Fiscal Year 2013 labor negotiations, on file in the Office of the City Clerk as Document No. RR-307153.

BE IT FURTHER RESOLVED, that the City Council authorizes the Chief Financial Officer to expend an amount not to exceed \$300,000 in Fiscal Year 2012 in accordance with the Citywide FTE Allocation Schedule for the agreement with Burke for the services referenced above, and the remaining \$100,000 in Fiscal Year 2013 contingent upon the City Council appropriating such funds in Fiscal Year 2013, and the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under established agreement funding are, or will be, on deposit with the City Treasurer.

APPROVED AS TO FORM: JAN I. GOLDSMITH, City Attorney

By Joan F. Dawson
Joan F. Dawson
Deputy City Attorney

JFD:ccm
11/07/2011
Or.Dept: Human Resources
Doc. #274644

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 15 2011.

ELIZABETH S. MALAND
City Clerk
By Elizabeth S. Maland
Deputy City Clerk

Approved: 11-30-11
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor