

RESOLUTION NUMBER R- 307700

DATE OF FINAL PASSAGE OCT 3 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO ENTER INTO CONTRACT FOR LEGAL SERVICES WITH LATHAM & WATKINS, LLP RELATED TO THE FIREWORKS LITIGATION BROUGHT BY COASTAL ENVIRONMENTAL RIGHTS FOUNDATION.

WHEREAS, Coastal Environmental Rights Foundation (CERF) has filed five lawsuits against the City of San Diego (City):

*Coastal Environmental Rights Foundation, LLC v. City of San Diego*  
SDSC Case No. 37-2010-00095062-CU-TT-CTL (*CERF I*)

*Coastal Environmental Rights Foundation, LLC v. City of San Diego*  
SDSC Case No. 37-2010-00102574-CU-TT-CTL (*CERF II*)

*Coastal Environmental Rights Foundation, LLC v. City of San Diego*  
SDSC Case No. 37-2011-00092008-CU-TT-CTL (*CERF III*)

*Coastal Environmental Rights Foundation, LLC v. City of San Diego*  
SDSC Case No. 37-2011-00102639-CU-TT-CTL (*CERF IV*)

*Coastal Environmental Rights Foundation, LLC v. City of San Diego*  
SDSC Case No. 37-2012-00097775-CU-WM-CTL (*CERF V*);

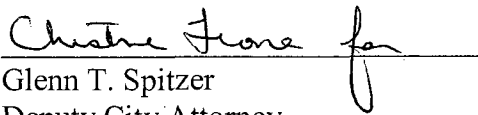
WHEREAS, in *CERF I*, CERF alleged the City did not comply with the California Environmental Quality Act (CEQA) when issuing permits related to the La Jolla Cove July 4, 2010 firework show. The court entered judgment against the City, and the City appealed. The case is currently on appeal. In *CERF II*, which is presently stayed pending final outcome of the first lawsuit, CERF alleges the City does not comply with CEQA when issuing special event permits. In *CERF III* and *CERF IV*, CERF alleges that the City's CEQA determination related to municipal code amendments adopted on May 24, 2011 and November 14, 2011 do not comply with CEQA. In *CERF V*, CERF alleges that the City did not comply with CEQA when the City permitted the 2012 La Jolla Cove firework show; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to retain Latham & Watkins, LLP, for an amount not to exceed \$250,000, to provide legal services related to the defense of the above referenced cases and to pay for litigation expenses.

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$250,000 from the Public Liability Fund 720045 for coverage of Latham & Watkins legal fees and costs related to the legal services.

BE IT FURTHER RESOLVED the Mayor or his designee is authorized to execute an agreement with Latham & Watkins for legal services for an amount not to exceed \$250,000.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Glenn T. Spitzer  
Deputy City Attorney

GTS:ms  
8/8/2012  
9/25/2012. Rev.  
Or.Dept: Risk Management  
Doc. No. 398904

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 25 2012

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10.3.12  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor