

RESOLUTION NUMBER R- 307798

DATE OF FINAL PASSAGE NOV 16 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO TO ENTER INTO CONTRACT FOR LEGAL SERVICES
WITH ANDERSON, KILL, AND OLICK RELATED INSURANCE
LITIGATION BROUGHT BY INDIAN HARBOR INSURANCE

WHEREAS, Indian Harbor Insurance Company has filed several lawsuits against the
City and City has filed a responsive lawsuit against Indian Harbor Insurance Company:

Indian Harbor Insurance Company v. City of San Diego, United States District Court for
the Southern District of New York, Case No. 12cv-5785

Indian Harbor Insurance Company v. City of San Diego, The Supreme Court of New
York, Case No. 157014-2012

City of San Diego v. Indian Harbor Insurance Company, San Diego Superior Court, Case
No. SDSC 37-2012-00104382

WHEREAS, the City of San Diego has been named as a defendant in an action brought
by the City's Insurer, Indian Harbor Insurance Company, in the Southern District of New York
and the New York Supreme Court, and the City of San Diego has filed a responsive action in the
San Diego Superior Court wherein Indian Harbor is seeking a declaration of no coverage for
lawsuits pending relating to hydrogen sulfide gas allegedly emanating from the City's downtown
sewer system. NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is
authorized to retain Anderson, Kill & Olick, for an amount not to exceed \$350,000.00, to provide
legal services related to the defense and prosecution 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 \$350,000.00 from Fund 700000 - Municipal

Waste Water Fund for coverage of Anderson, Kill, & Olick 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 Anderson, Kill & Olick for legal services for an amount not to exceed \$350,000.00.

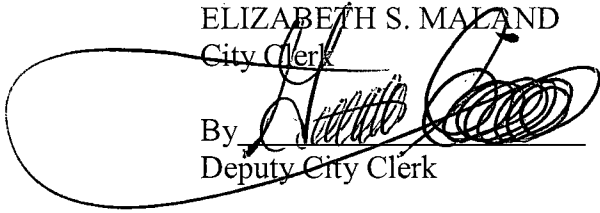
APPROVED: JAN I. GOLDSMITH, City Attorney

By Christine Leone
Christine M. Leone
Chief Deputy City Attorney

CML:ms
10/25/2012
11/09/2012 Corr.
Or.Dept: Risk Management
Doc. No. 462053

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 13 2012.

ELIZABETH S. MALAND
City Clerk

A large, stylized handwritten signature in black ink, appearing to be 'E. Maland', written over a horizontal line.

By _____
Deputy City Clerk

Approved: 11/16/12
(date)

A handwritten signature in black ink, appearing to be 'J. Sanders', written over a horizontal line.
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor