

RESOLUTION NUMBER R- 308439

DATE OF FINAL PASSAGE OCT 01 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO AMEND THE AGREEMENT WITH ORRICK, HERRINGTON & SUTCLIFFE LLP TO PROVIDE FUNDING FOR THE PROSECUTION OF THE JUDICIAL VALIDATION OF THE FORMATION OF THE CONVENTION CENTER FACILITIES DISTRICT AND THE APPEALS OF THE VALIDATION ORDER AND AUTHORIZING THE CITY ATTORNEY TO RETAIN THE FIRM TO ASSIST THE CITY ATTORNEY TO DEFEND THE APPEALS OF THE VALIDATION ORDER.

WHEREAS, on May 7, 2012, the City Council approved Resolution No. R-307414, which, among other things, authorized the City Attorney to appoint Orrick, Herrington & Sutcliffe LLP (Orrick) to assist the City Attorney to file and prosecute a judicial validation action on behalf of the City in relation to the formation of the Convention Center Facilities District (Validation Action); and

WHEREAS, the City Council, on May 7, 2012 and on November 28, 2012, authorized the expenditure of funds up to an amount of \$200,000 for fees and expenses related to the Validation Action; and

WHEREAS, Orrick exceeded the authorized amount by approximately \$72,000 in successfully prosecuting the Validation Action; and

WHEREAS, the City Attorney recommends retaining Orrick to defend the two appeals that have been filed against the validation judgment (Appeals); and

WHEREAS, in recognition of Orrick's success in obtaining a validation judgment on behalf of the City, the City Council has determined that Orrick should be fully compensated for the services rendered related to the Validation Action; and

WHEREAS, Orrick estimates that the Appeal may cost up to \$100,000 and the City Council believes it prudent to authorize an additional amount of \$28,000 in the event there are unforeseen expenses related to the Appeals; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the City Attorney is authorized to retain Orrick to assist the City Attorney to defend the Appeals of the validation judgment related to the Convention Center Facilities District.

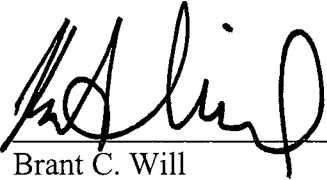
BE IT FURTHER RESOLVED, that the Council President in his capacity under Charter section 265(i) or Mayor or his designee is authorized and directed to amend the agreement with Orrick related to the Validation Action to include the Appeals and to increase the authorized amount by \$200,000 for a total authorization of \$400,000.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to appropriate and expend up to a total amount of approximately \$72,000 related to the costs and fees incurred by Orrick in prosecuting the Validation Action, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for such expenditures are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to appropriate and expend up to a total amount of \$128,000 for Orrick to defend the validation

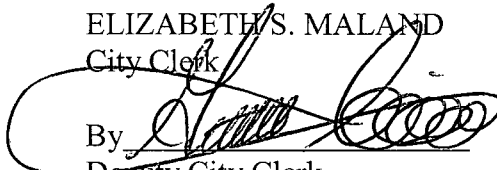
judgment on appeal, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for such expenditures are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Brant C. Will
Deputy City Attorney

BCW:jdf
8/21/13
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Or.Dept:FM
Doc. No.: 620172_4

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 17 2013.

ELIZABETH S. MALAND
City Clerk
By  _____
Deputy City Clerk

Approved: _____
(date)

Mayor

Vetoed: _____
(date)

Mayor

Passed by the Council of The City of San Diego on SEP 17 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 01 2013

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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