

RESOLUTION NUMBER R- 311131

DATE OF FINAL PASSAGE JUN 06 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING ADDITIONAL FUNDS FOR THE LAW FIRM OF SULLIVAN, HILL, LEWIN, REZ & ENGEL FOR LEGAL SERVICES AND COSTS INCURRED IN DEFENSE OF *DEBORAH GANLEY V. CITY OF SAN DIEGO*, SAN DIEGO SUPERIOR COURT CASE NO. 37-2015-0261-CU-OE-CTL

WHEREAS, Sullivan, Hill, Lewin, Rez & Engel [Sullivan Hill] was retained by the City of San Diego [City] in February 2016 to provide legal services, including all pre-trial and trial proceedings and any appeal or writ proceedings arising directly out of a lawsuit filed in the Superior Court of the State of California entitled *Deborah Ganley v. City of San Diego*, San Diego Superior Court Case No. 37-2015-0261-CU-OE-CTL;

WHEREAS, Sullivan Hill was retained because of its particular knowledge and expertise in handling nearly identical matters for the City since 2002, involving the Surviving Spouse Continuance Benefit of the City's pension plan. Sullivan Hill was also retained due to a potential conflict of interest with members of the City Attorney's Office, who may have been affected as purported class members; and

WHEREAS, Sullivan Hill's retention was originally authorized for an expenditure up to \$250,000. Those initial funds have now been expended, necessitating this request for up to \$300,000 in additional funds; NOW, THEREFORE,

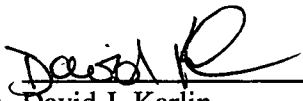
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Authorizes increasing the contract amount for the law firm of Sullivan, Hill, Lewin, Rez & Engel for legal services and costs incurred in defense of *Deborah Ganley v. City*

of San Diego, San Diego Superior Court Case No. 37-2015-0261-CU-OE-CTL by \$300,000 for a new contract total of \$550,000.

2. Authorizes the Chief Financial Officer to appropriate and expend an amount not to exceed \$300,000 from the Public Liability Fund, Fund 720045, 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: MARA W. ELLIOTT, City Attorney

By 
David J. Karlin
Chief Deputy City Attorney

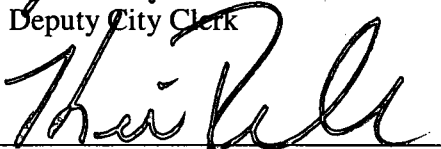
DJK:aml
May 9, 2017
Or.Dept: City Attorney
CC No. 3000009947
Doc. No.: 1501260

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 23 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/15/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: CC 3000009947
 DEPT. NO.: 1211

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____ \$300,000.00

Vendor: Sullivan, Hill, Lewin, Rez & Engel

Purpose: Authorizing additional funds for legal services and costs incurred in defense of Deborah Ganley v. City of San Diego.

Date: April 25, 2017

On Behalf of
 By: Lina Chim *Jonathan Alfranco*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	720045			OTHR-00000000-GG	512042	1515	1515000011		\$300,000.00
TOTAL AMOUNT									\$300,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on MAY 23 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>
Chris Cate	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 06 2017

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

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

By , Deputy

Office of the City Clerk, San Diego, California

311131

Resolution Number R-_____