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Office of
The City Attorney
City of San Diego

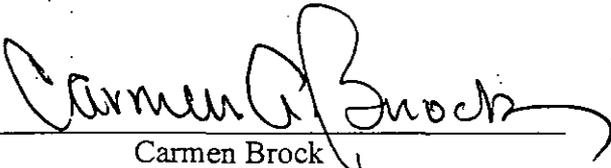
MEMORANDUM

DATE: November 15, 2007
TO: Michelle Strauss
FROM: Carmen Brock, Deputy City Attorney
SUBJECT: *People of the State of California and the City of San Diego v. Sunroad Centrum,*
San Diego Superior Court Case No. GIC 877054

Attached please find a resolution R-2008-203 setting forth the approval of the City Council in Closed Session on July 31, 2007. The Auditor's Certificate was not requested prior to Council action in Closed Session. The vote taken in Open Session shall be the official vote.

Pursuant to the requirements, it is appropriate for this resolution to be placed on the next available Council docket for Council adoption confirming the Council's action in Closed Session.

It is, therefore, requested that it be calendared for the next available docket.


Carmen Brock

Attachment

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: _____ REPORT NO: _____
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: City Attorney
SUBJECT: *People of State of California and City of San Diego v. Sunroad Centrum, et al.*
San Diego Superior Court Case No. GIC877054

COUNCIL DISTRICT(S): 6
CONTACT/PHONE NUMBER: (619) 533-5800

REQUESTED ACTION: Approve and appropriate \$850,000 to fund litigation and legal advisory services to the Mayor's Office by Lathams & Watkins

STAFF RECOMMENDATION: Approve the resolution.

EXECUTIVE SUMMARY: The law firm of Lathams & Watkins has been retained to defend the City in the case of *People of State of California and City of San Diego v. Sunroad*, SDSC Case No. GIC877054, and provide legal advisory services to the Mayor's Office. The appropriation and allocation of \$850,000 to fund payment of attorneys' fees is requested.

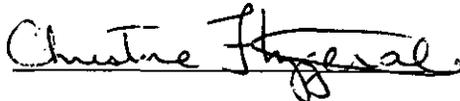
FISCAL CONSIDERATIONS:

PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was considered in closed session on July 31, 2007. The motion passed 5-2 with motion by Council President Peters and seconded by Councilmember Atkins with Councilmember Maeinschein absent. Councilmember's Madaffier and Hueso opposed the recommendation.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS:
Law Firm of Latham & Watkins, Chris Garrett, lead attorney.

Originating Department



Deputy Chief/Chief Operating Officer

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, the City of San Diego [City] previously retained attorneys Chris Garrett, Kristine Wilkes, and the firm of Latham & Watkins provide litigation and legal advisory in connection with the defense of the city in the case of *The People of the State of California and the City of San Diego v. Sunroad Centrum, L.P.*, San Diego Superior Court Case No. GIC877054; and

WHEREAS, Latham & Watkins has provided the legal support services requested by the City on an ongoing basis; NOW THEREFORE,

BE IT RESOLVED, that the Council authorizes the expenditure of an amount not to exceed \$850,000 for paying attorney's fees as described above provided that the City Auditor and Comptroller first furnish one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the Council authorizes the City Auditor and Comptroller to allocate and expend \$850,000 from the Public Liability Fund.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Carmen A. Brock
Deputy City Attorney

CAB:ms
September 25, 2007
Audit. Cert.: AC
Or.Dept: City Attorney
R-2008-203

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor