

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

000989

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) 113
2800625 04/15
3. DATE: February 26, 2008

TO: CITY COUNCIL

2. FROM (ORIGINATING DEPARTMENT): CITY ATTORNEY

4. SUBJECT: Authorizing continued retention, payment for invoices and future reserve funding for the Brown Law Group for legal services in *Bevier and Platt v. City of San Diego*, San Diego Superior Court Case No. GIC874401.

5. FOR INFORMATION, CONTACT (NAME & MAIL STA.)
Walter Chung
(619) 533-5804

7. CHECK HERE IF BOX 1472A "DOCKET" SUPPORTING INFORMATION HAS BEEN COMPLETED ON PAGE 2: X

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:
			81140				
			82240				
			4151				
						\$35,000.00 →	

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	3/3/08				
2	FINANCIAL MANAGEMENT	<i>[Signature]</i>	3/10/08				
3	AUDITOR	<i>[Signature]</i>	3/12/08				
4	RISK MANAGEMENT	<i>[Signature]</i>	3-7-08				
5	CFO	<i>[Signature]</i>	3/3/08				
6	CITY ATTORNEY	<i>[Signature]</i>	3/3/08 ✓				

MGR. DOCKET COORD: *[Signature]* COUNCIL REP. *[Signature]*

RULES COMMITTEE CONSENT ADOPTION
 REFER TO: _____ DATE: 4/15/08

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Authorizing continued retention, payment for invoices and future reserve funding for the Brown Law Group for legal services in *Bevier and Platt v. City of San Diego*, San Diego Superior Court Case No. GIC874401.
2. Authorizing the City Auditor and Comptroller to allocate and expend \$35,000 from the Public Liability Fund.
3. The Council was informed in Closed Session on February 25, 2008 for the need to retain the Brown Law Group for this action. Councilmember Frye made a motion and was seconded by Council President Scott Peters. The motion passed 8-0.

11A. STAFF RECOMMENDATIONS: Adopt the resolution and authorize the fund appropriation and transfer.

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): N.A.
 COMMUNITY AREA(S): N.A.
 CITY CLERK INSTRUCTIONS: CLERK REQUESTED TO PROVIDE DEPUTY CITY ATTORNEY WALTER CHUNG (15TH FLOOR CCP, 533-5804) WITH A CERTIFIED COPY OF RESOLUTION
 ENVIRONMENTAL IMPACT: This action is not a "project" subject to CEQA.

EXECUTIVE SUMMARY SHEET

DATE ISSUED: February 26, 2008

REPORT NO.:

ATTENTION: Council President and Councilmembers

ORIGINATING DEPARTMENT: City Attorney

SUBJECT: Authorizing continued retention, payment for invoices and future reserve funding for the Brown Law Group for legal services in *Bevier and Platt v. City of San Diego*, San Diego Superior Court Case No. GIC874401.

COUNCIL DISTRICT(S): All

CONTACT/PHONE NUMBER: Walter Chung, Deputy City Attorney (619) 533-5804

REQUESTED ACTION: Approve the resolution and authorize payments requested. Approve the allocation and expend the \$35,000 from the Public Liability Fund.

STAFF RECOMMENDATION: Adopt the resolution and authorize the Auditor to appropriate and issue an Auditor's Certificate to fund this obligation.

EXECUTIVE SUMMARY:

Requested action relates to additional funding for the matter *Bevier and Platt v. City of San Diego*, San Diego Superior Court Case, No. GIC874401. On May 21, 2007, by document number C-14213, the City Council previously authorized the retention of the Brown Law Group in an amount not to exceed \$13,500. Judge Barton set aside the administrative decision of the City on June 7, 2007 and the City is now in the process of arranging a rehearing on both of these applications.

Risk Management has asked that the Brown Law Group remain on this matter to coordinate and oversee the rehearing of this matter.

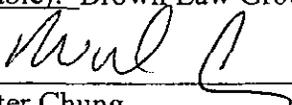
FISCAL CONSIDERATIONS:

The Council is being asked to authorize and expend up to \$35,000 from the Public Liability Fund for the continued retention of the Brown Law Group.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

The Council was informed in Closed Session on February 25, 2008 for the need for additional authorized funding. Councilmember Frye made a motion and was seconded by Council President Scott Peters. The motion passed 8-0.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/AKEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): Brown Law Group


Walter Chung
Deputy City Attorney

000993

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2800625
DEPT. _____
NO.: 45

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: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	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: \$35,000.00

Vendor: Brown Law Group

Purpose: Authorize continued retention, payment of invoices and future reserve funding for the Brown Law Group for legal services in Bevier & Platt v. City of San Diego. Authorize the City Auditor and Comptroller to allocate and expend \$35,000 from the Public Liability Fund. (81140)

Date: March 12, 2008 By: *Pam Walker* 3/12/08
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
001	0	81140	82240		4151						\$35,000.00
TOTAL AMOUNT											\$35,000.00

FUND OVERRIDE

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE THE RETENTION OF BROWN LAW GROUP IN AN AMOUNT UP TO \$35,000 TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE DEFENSE OF BEVIER AND PLATT V. CITY OF SAN DIEGO, AND AUTHORIZING THE AUDITOR AND COMPTROLLER TO EXPEND RELATED FUNDS

WHEREAS, In May 2007, Council authorized the retention of Brown Law Group to defend the action against the City of San Diego in *Bevier and Platt v. City of San Diego*, San Diego Superior Court Case No. GIC874401; and

WHEREAS, the firm of Brown Law Group has the necessary skills and experience to assist the City in defense of this matter; and

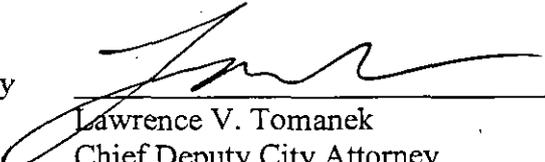
WHEREAS, the Council of the City of San Diego has been briefed on the status of this matter in a duly-noticed Closed Session meeting on February 25, 2008; and

WHEREAS, the Council determined to continue the retention of Brown Law Group to assist the City in defense of this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to continue the retention of Brown Law Group for the provision of legal services in *Bevier and Platt v. City of San Diego*, San Diego Superior Court Case No. GIC874401, in an amount not to exceed \$35,000.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller is authorized to expend up to \$35,000 from the Public Liability Fund.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Lawrence V. Tomanek
Chief Deputy City Attorney

LVT:jdf
03/24/2008
Or.Dept:ATTY
R-2008-803

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