

000255

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)

2800923

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
CITY ATTORNEY

3. DATE:
June 2, 2008

102
07/15

4. SUBJECT:

AUTHORIZE AN AGREEMENT WITH BROWN LAW GROUP - STIFFLER V. CITY OF SAN DIEGO, ET AL

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
Walter Chung - 236-6220 MS 59

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Lawrence Tomanek - 236-6220 MS 59

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	81140	9. ADDITIONAL INFORMATION / ESTIMATED COST:	
DEPT.	81140	Authorize the City Comptroller to expend up to \$250,000 from the Public Liability Fund.	
ORGANIZATION	3501		
OBJECT ACCOUNT	415+4141		
JOB ORDER	081141		
C.I.P. NUMBER			
AMOUNT	\$250,000		

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATOR	LAWRENCE TOMANEK	6-2-08	8	CFO	Kenny Newmyer	7/1/08
2	RISK MGMT	[Signature]	6-12-08	9			
3	LIAISON OFFICE	ED PLANK	6/18/08	10			
4	FIN MGMT	[Signature]	6/23/08	11	CITY ATTORNEY	Karen Hummer	6/2/08
5	AUD & COMP	[Signature]	4/21/08		DOCKET COORD:	[Signature]	COUNCIL LIAISON [Signature] 7/3/08
6					COUNCIL PRESIDENT	[Signature]	
7					REFER TO:		COUNCIL DATE: 7/15/08

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

Approve the Resolution to authorize the City Attorney to enter into an agreement between the City of San Diego and Brown Law Group in an amount not to exceed \$250,000 for legal services as Outside Counsel for the sole purpose of representing the City in Stiffler v. City of San Diego, San Diego Superior Court Case No. 37-2008-00079769-CU-OE-CTL.

Authorize the City Auditor and Comptroller to expend an amount not to exceed \$250,000 from the Public Liability Fund.

11A. STAFF RECOMMENDATIONS:

APPROVE THE RESOLUTION

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

COUNCIL DISTRICT(S):

COMMUNITY AREA(S):

ENVIRONMENTAL IMPACT: This activity is not a "project" and therefore is exempt from CEQA pursuant to the State Guidelines Section 15060 (c) (3)

HOUSING IMPACT:

OTHER ISSUES:

EXECUTIVE SUMMARY SHEET

DATE ISSUED: June 2, 2008 **REPORT NO.:**

ATTENTION: COUNCIL PRESIDENT AND COUNCILMEMBERS

ORIGINATING DEPARTMENT: CITY ATTORNEY

SUBJECT: Authorizing the retention of Brown Law Group as counsel to defend *Mark Stiffler v. City of San Diego, et al*, San Diego Superior Court Case No. 37-2008-00079769-CU-OE-CTL.

COUNCIL DISTRICT(S): All

CONTACT/PHONE NUMBER: Walter Chung, 619-236-6220 or Lawrence Tomanek 619-236-6220

REQUESTED ACTION:

Authorize the retention of Brown Law Group as counsel to defend *Mark Stiffler v. City of San Diego et al*, San Diego Superior Court Case No. 37-2008-00079769-CU-OE-CTL.

Authorize the City ~~Auditor and~~ Comptroller to expend up to \$250,000 from the Public Liability Fund for Brown Law Group for legal fees and costs related to this matter:

STAFF RECOMMENDATION:

Approve the Resolution

EXECUTIVE SUMMARY:

This lawsuit was brought by former City employee, Mark Stiffler, alleging wrongful discharge.

FISCAL CONSIDERATIONS:

With this action the Council will authorize the City Attorney to retain Brown Law Group to represent the City and to proceed with the case on an hourly billing basis.

With this action the Council will authorize the City ~~Auditor and~~ Comptroller to expend up to \$250,000 from the Public Liability Fund.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

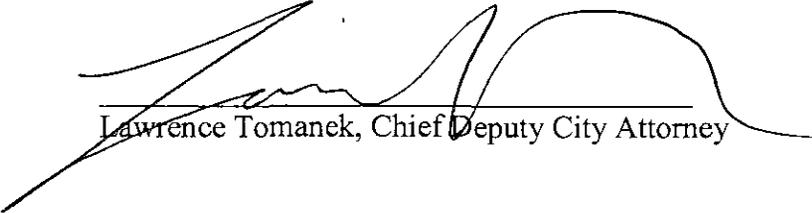
The City Council on April 14, 2008, voted in Closed Session on Item CS-4, *Mark Stiffler v. City of San Diego et al.*, San Diego Superior Court Case No. 37-2008-00079769-CU-OE-CTL. The motion was made by Council Member Young and seconded by Council Member Atkins. The motion passed 7 to 0 with Council Member Madaffer absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N.A.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Law firm of Brown Law Group.



Lawrence Tomanek, Chief Deputy City Attorney

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO ENTER INTO AN AGREEMENT WITH BROWN LAW GROUP IN AN AMOUNT UP TO \$250,000 TO PROVIDE LEGAL SERVICES IN CONNECTION WITH THE DEFENSE OF MARK STIFFLER V. THE CITY OF SAN DIEGO, ET AL., AND AUTHORIZING THE CITY COMPTROLLER TO EXPEND RELATED FUNDS

WHEREAS, In March 2008, Mark Stiffler filed a complaint against the City, San Diego Superior Court Case No. 37-2008-00079769-CU-OE-CTL, and due to the conflict of interest outside counsel is recommended; 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 April 14, 2008. Upon motion made by Council Member Young and seconded by Council Member Atkins Council voted to retain outside counsel; the motion passed 7 to 0 with Council Member Madaffer absent; and

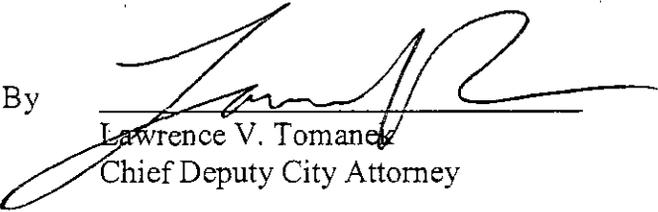
WHEREAS, the Council determined to retain Brown Law Group to assist the City in defense of this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney is authorized to retain Brown Law Group for the provision of legal services in *Mark Stiffler v. The City Of San Diego, et al.*, San Diego Superior Court Case No. 37-2008-00079769-CU-OE-CTL, in an amount not to exceed \$250,000.

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BE IT FURTHER RESOLVED, that the City Comptroller is authorized to expend up to \$250,000 from the Public Liability Fund.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Lawrence V. Tomanek
Chief Deputy City Attorney

LVT:jdf:ca
07/02/08
Aud.Cert: AC 2800923
Or.Dept: CITY ATTY
R-2008-1128

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