




THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

M E M O R A N D U M

DATE: April 11, 2008

TO: Honorable Council President Scott Peters

FROM: Jay M. Goldstone, Chief Operating Officer 

SUBJECT: Request to add the "Retain Special Prosecutor in the Matter of the People of the State of California v. Thomas Story" to the Supplemental Agenda for April 15, 2008

By this memo I would like to request that you add to the City Council's Supplemental Agenda for April 15, 2008, "Retain Special Prosecutor in the Matter of the People of the State of California v. Thomas Story."

Pursuant to a hearing on April 11, 2008 before Judge Wellington the City of San Diego has been informed that trial in this matter has been set for April 30, 2008. The City Attorney is barred from any and all involvement in this matter. The Attorney General and District Attorney's Office have stated for jurisdictional and discretionary reasons they decline to prosecute. The Mayor requests that the City Council retain a special prosecutor to report to the Mayor and City Council exclusively.

Jay M. Goldstone
Chief Operating Officer

cc: Honorable City Council

5500
4/15

5500

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY) 4/15/08

2800 724

TO:
Council President

2. FROM (ORIGINATING DEPARTMENT):
Office of the Mayor

3. DATE:
4/11/2008

4. SUBJECT:
Retain Special Prosecutor In The Matter of The People of the State of California v. Thomas Story

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)
Jay Goldstone x67080

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)
Julie Dubick x65929

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND				
DEPT.				
ORGANIZATION				
OBJECT ACCOUNT				
JOB ORDER				
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:
No Financial Impact

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT			8	CFO	<i>[Signature]</i>	4/11/08
2	LIAISON OFFICE	<i>[Signature]</i>	4/11/08	9	COO	<i>[Signature]</i>	4/11/08
3	Auditor	<i>[Signature]</i>	4/11/08	10	CITY ATTORNEY		
4				11	ORIGINATING DEPARTMENT		
5				DOCKET COORD: _____ COUNCIL LIAISON: <i>JB</i>			
6				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____			
7					COUNCIL DATE: 4.15.08		

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

Retain special Prosecutor in the matter of The People of the State of California v. Thomas Story Case No. M014519 for the purposes of determining whether or not the prosecution should move forward and to handle all matters related to this prosecution.

11A. STAFF RECOMMENDATIONS:
Authorize retention of special prosecutor to report to the Mayor and City Council exclusively.

12. SPECIAL CONDITIONS:
COUNCIL DISTRICT(S):
COMMUNITY AREA(S):
ENVIRONMENTAL IMPACT:
HOUSING IMPACT:
OTHER ISSUES:

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: April 10, 2008 REPORT NO:
ATTENTION: Council President Peters and City Council
ORIGINATING DEPARTMENT: Office of the Mayor
SUBJECT: Retain Special Prosecutor In The Matter of The People of the
State of California v. Thomas Story
COUNCIL DISTRICT(S): All
CONTACT/PHONE NUMBER: Jay Goldstone, Chief Operating Officer: 619-236-7080

REQUESTED ACTION:

Retain special prosecutor in the matter of The People of the State of California v. Thomas Story (Case No. M014519) for the purposes of determining whether or not the prosecution should move forward and to handle all matters related to this prosecution.

STAFF RECOMMENDATION:

Authorize retention of special prosecutor to report to the Mayor and City Council exclusively.

EXECUTIVE SUMMARY:

Pursuant to a hearing on April 11, 2008 before Judge Wellington the City of San Diego has been informed that trial in this matter has been set for April 30, 2008. The City Attorney is barred from any and all involvement in this matter. The Attorney General and District Attorney's Office have stated for jurisdictional and discretionary reasons they decline to prosecute. The Mayor requests that the City Council retain a special prosecutor to report to the Mayor and City Council exclusively.

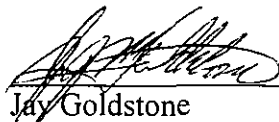
FISCAL CONSIDERATIONS: The estimated expense is up to \$250,000 and is anticipated to come from the City Attorney's operating budget, which is within the General Fund, Fund 100, Department 045.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

n/a

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: n/a

KEY STAKEHOLDERS AND PROJECTED IMPACTS: n/a



Jay Goldstone
Chief Operating Officer

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800724
DEPT. _____
NO.: 10

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: \$250,000.00

Vendor: To be named - Special Prosecutor

Purpose: Retain special prosecutor in the matter of the The People of the State of California v. Thomas Story Case No. M014519 for the purposes of determining whether or not the prosecution should move forward and to handle all matters related to this prosecution.

Date: April 11, 2008 By: *Jan Halbut* 4/11/08
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	100	045	1100	4151	001100				\$250,000.00
TOTAL AMOUNT										\$250,000.00

FUND OVERRIDE