

RESOLUTION NO. 217573 JAN 26 1977 (R. 77-1200)

WHEREAS, The City of San Diego hired Dr. James Claus as a consultant to assist in the promulgation of sign control legislation in the City of San Diego; and

WHEREAS, as a result of such efforts, the Council agreed to enact legislation as recommended; and

WHEREAS, the City Council adopted Ordinance No. 11000 (New Series), effective March 6, 1973, to include in the San Diego Municipal Code Section 95.0100 et seq. for the control and administration of on-premise signs; and

WHEREAS, the sections were amended thereafter to clarify the provisions contained therein; and

WHEREAS, the United Business Commission filed suit in the Superior Court of San Diego on August 15, 1974, to enjoin the enforcement of said Code sections and to have said sections declared unconstitutional; and

WHEREAS, it is now necessary to defend the City in said Superior Court action; and

WHEREAS, pursuant to such defense, it is necessary to consult with and call Dr. Claus as an expert witness; and

WHEREAS, such defense requires the payment of consultation fees, expert witness fees and other legal fees; and

WHEREAS, it is necessary to provide funds to defray such expenses; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

**MICROFILMED**


**MAY 31 1978**

**01291**

That the Auditor and Comptroller be and he is hereby authorized to transfer within the General Fund (100) the sum of \$2,000 from the Unallocated Reserve (53.31) to the Allocated Reserve (53.20) to provide funds to be used solely and exclusively for defraying costs of litigation challenging the legality of the City of San Diego on-premise sign ordinance in the case of United Business Commission v. City of San Diego, Superior Court No. 356994.

APPROVED: JOHN W. WITT, City Attorney

By

  
\_\_\_\_\_  
Jack Katz  
Chief Deputy City Attorney

JK:k:Lit., 111  
1-14-77  
Aud.Cert. # 8325  
Or.Dept.: Attorney

**MICROFILMED**

**MAY 31 1978**

**217573**

# CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

## CERTIFICATION OF UNALLOTTED BALANCE

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 \$ 2,000.00 Fund General Fund Unallocated Res. 100

Purpose Expert witness, consultation & other legal fees in Case No. 356994, United Business Commission v. City of San Diego.

RECEIVED  
CITY CLERK'S OFFICE  
1977  
JAN 18 PM 4:54  
SAN DIEGO, CALIF.

Date January 14, 19 77

W. B. Sage  
Auditor and Comptroller of  
The City of San Diego, Calif.  
By L. A. Aguirre

## 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 moneys 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 \$ 2,000.00

Dated January 14, 19 77

W. B. Sage  
Auditor and Comptroller of  
The City of San Diego, Calif.  
BY L. A. Aguirre

Fund 100 Prog./Elem. 5331 Object 3295

Purpose Same as above

Vendor \_\_\_\_\_

Job Order \_\_\_\_\_  
Resolution No. \_\_\_\_\_  
Project No. MICROFILMED

MAY 31 1978

JAN 26 1977

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Elizabeth Deeg*, Deputy.

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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 217573 Adopted JAN 26 1977

CC-1276 (REV. 12-76)

MICROFILMED

MAY 31 1978

01294