

RESOLUTION No. \_\_\_\_\_

217858

(R-77-1464)

Adopted on MAR 9 1977

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

That the City Attorney may settle that condemnation action authorized by Resolution No. 213902, adopted July 30, 1975, entitled "The City of San Diego v. Alvin J. Hall, et al.," Superior Court No. 372198, as to Parcel 3, and stipulate to a Judgment therein in the amount of Fifty-Five Thousand Three Hundred Eighty Dollars (\$55,380.00).

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue a warrant check in the amount of \$55,380.00 to LESTER H. DELHOTAL, JANE H. DELHOTAL, LYLE A. DELHOTAL, BARBARA D. DELHOTAL and LUCE, FORWARD, HAMILTON & SCRIPPS, their attorneys, in full settlement of Parcel 3 of said condemnation.

APPROVED: JOHN W. WITT, City Attorney

By DW Detisch  
Donald W. Detisch, Deputy

rb/2-16-77  
Orig. Dept.: City Atty.  
Aud. Cert. # 8408

MICROFILMED

MAY 31 1978

02100

# 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 \$ \_\_\_\_\_ Fund \_\_\_\_\_

Purpose \_\_\_\_\_

Auditor and Comptroller of  
The City of San Diego, Calif.

Date \_\_\_\_\_, 19 \_\_\_\_\_

By \_\_\_\_\_

## 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 \$ 55,380.00

Dated Feb. 23, 19 77

*W. B. Sage*  
Auditor and Comptroller of  
The City of San Diego, Calif.

BY *Matt Supo*

Job Order  
Resolution No. \_\_\_\_\_  
Project No. 001070

Fund 3713 Prog./Elem. 5734 Object 3496

Purpose Full settlement of Parcel 3 of said condemnation.

Vendor See attached, 1472

**MICROFILMED**

MAY 31 1978

CERTIFICATE NO. 8408

MAR 9 1977

02101

in Executive Session **MAR 9 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

\_\_\_\_\_  
 PETE WILSON  
 Mayor of The City of San Diego, California.

\_\_\_\_\_  
 EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

(Seal)

RECEIVED  
 1977 FEB 24 PM 1:51  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Resolution Number <b>217858</b>	Adopted <b>MAR 9 1977</b>

CC-1276 (REV. 12-76)

MICROFILMED

MAY 31 1978

02102

CITY of SAN DIEGO  
MEMORANDUM

Phone: 236-6220

FILE NO.:

DATE : February 16, 1977

TO : Edward Nielsen, City Clerk; Coleman Conrad, Rules Committee  
Consultant

FROM : City Attorney

SUBJECT: Resolution Adopted in Executive Session

---

Attached please find a resolution which was adopted by the City Council in Executive Session on February 1, 1977.

Pursuant to the new requirements, it will be necessary for this resolution to be placed on a Council docket under Special Order of Business so that the official and public record will reflect the adoption of this resolution.

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

JOHN W. WITT, City Attorney

By *Donald W. Detisch*  
Donald W. Detisch, Deputy

rb  
Enc

RECEIVED  
CITY CLERK'S OFFICE  
1977 FEB 24 PM 1:51  
SAN DIEGO, CALIF.

MICROFILMED

MAY 31 1978

RECEIVED

1977 MAR 22 PM 4:24

SAN DIEGO, CALIF.

Rita:

Attached is copy of memo which answers  
your referral of Item 106.

Rose

*Allyn - please file  
this with #106 on  
3-9-77 - 217858.  
3/22/77*

*Thanks  
Kathy*

*★*  
~~the copy in meeting  
the this [unclear]  
the [unclear]~~

CITY of SAN DIEGO  
MEMORANDUM

RECEIVED *ms*  
1977 MAR 22 PM 4:24  
SAN DIEGO, CALIF.

FILE NO. :  
DATE : March 15, 1977  
TO : City Attorney  
FROM : City Clerk  
SUBJECT: Item 106 - Docket of March 9, 1977 - a.m.

SPECIAL ORDER OF BUSINESS:

106 A Resolution adopted by the City Council in EXECUTIVE SESSION on Tuesday, February 1, 1977 by the following vote: Yeas-Districts 1, 2, 3, 4, 5, 6, 7, 8, and Mayor.

(R-77-1464) Authorizing the CITY ATTORNEY to settle condemnation action authorized by Resolution No. 213902, adopted July 30, 1975, entitled "THE CITY OF SAN DIEGO V. ALVIN J. HALL, ET AL.," Superior Court No. 372198, as to PARCEL 3, and stipulate to a Judgment in the amount of \$55,380; authorizing the CITY AUDITOR and COMPTROLLER to ISSUE a WARRANT CHECK in the amount of \$55,380 to Lester H. Delhotal, Jane H. Delhotal, Lyle A. Delhotal, Barbara D. Delhotal and Luce, Forward, Hamilton & Scripps, their attorneys, in full settlement of PARCEL 3 of said condemnation.

AUD. CERT. 8408.

NOTE: Pursuant to the Brown Act, it is necessary to place these resolutions on a Council Docket so that the official and public record will reflect the adoption of these resolutions.

COUNCIL ACTION WAS:

Councilman Gade requested the City Attorney to give a report on requirements regarding reporting items discussed in Executive Session:

- 1) If final results of Executive Session are required to be ratified in open session; and
- 2) If it is permissible for vote to be shown.

EDWARD NIELSEN  
City Clerk

By:

*Rita Andrews*  
Rita Andrews, Deputy

CITY of SAN DIEGO  
MEMORANDUM

RECEIVED  
1977 MAR 22 PM 4:24

SAN DIEGO, CALIF.

Telephone: 236-6220

March 11, 1977

Tom Gade, Councilman

City Attorney

Executive Session Procedure

*Tom*

---

The recent amendment to the Brown Act requires that action regarding personnel matters taken in executive session should be reported by Council in an open Council meeting and the vote taken in executive session reported publicly. Legislation is currently pending in Sacramento to extend this requirement to all action taken in executive session.

Under "Special Order of Business" on your docket of March 9 as Item 106, there appeared a resolution authorizing the City Attorney to settle a condemnation case. You asked for a clarification of the procedure in view of the matter having been handled previously in executive session and not being a personnel matter. Due to the fact that the "litigation exception" is judicially mandated, rather than legislative, and because of the pending legislation, we determined it is appropriate to use the same procedure in reporting executive session action on pending litigation as that used in personnel matters.

Therefore, in all cases where it is possible to obtain an auditor's certificate in advance of the council executive session, my office will provide the Mayor with a resolution and the appropriate form for recording the vote. The matter will then be put on Council docket as a general notice item and the vote taken in executive session will be announced in that manner. The vote taken in executive session will be the official vote and no vote need be taken in the public meeting.

In some cases an auditor's certificate cannot be obtained prior to the executive session because a finally agreed upon settlement has not been reached. In such a situation, your approval is not asked with respect to a specific settlement amount. Rather, we ask the Council for authority to settle the case at some amount no greater than the amount you specify. When the settlement subsequently has been agreed to, it will be necessary to place a resolution under "Special

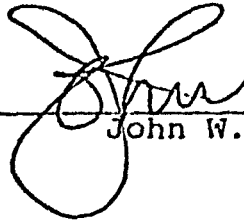
02106

Tom Gade, Councilman

-2-

March 11, 1977

Order of Business" and take a vote on the resolution in open meeting. This open meeting vote then becomes the official vote on the resolution and the vote taken in executive session has no further meaning. This was the procedure utilized with respect to Item 106 on the March 9 docket.

  
\_\_\_\_\_  
John W. Witt

JWW:as  
cc Mayor  
Council  
Manager  
Clerk

02107