(R-85-613) (REV. 12/4/84)

RESOLUTION NUMBER R-262075 ADOPTED ON DECEMBER 3, 1984

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

- 1. The letter agreement dated March 28, 1983, with Stradling, Yocca, Carlson & Rauth to increase the compensation by \$92,299.61, is hereby amended. This increase is to cover actual costs and fees incurred in preparing the City's cases in Jones v. City and Holodnak v. City ("FBA Litigation") through the Fourth District Court of Appeal.
- 2. The payment of \$12,993.82 to Freilich, Leitner & Carlisle and \$4,378.30 to Hahn & Crazier to cover actual legal fees and costs incurred in the FBA Litigation through the California Supreme Court, is hereby authorized.
- 3. The payment of \$5,784.55 to Freilich, Leitner & Carlisle to cover actual legal fees and costs incurred in the preparation of an amicus brief on behalf of the City of San Diego is the Building Industry v. the City of Oxnard case, is hereby authorized.

BE IT FURTHER RESOLVED, that the fees and costs authorized shall be paid from the General Fund Unallocated Reserve (Fund 1001, Dept. 901).

John W. Witt, City Attorney APPROVED:

Ву

peputy City Attorney

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REV. 12/4/84

Dept:Atty.
Aud.Cert:85330

R-85-613

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The City of San Diego

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE

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DEC 3 1984

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ITEM-209: (R-85-613) ADOPTED AS AMENDED AS RESOLUTION R-262075

(Continued from the meeting of November 13, 1984 at Council Member Mitchell's request.)

Amending the letter agreement dated March 28, 1983, with Stradling, Yocca, Carlson and Rauth to increase the compensation by \$92,299.61, to cover actual costs and fees incurred in preparing the City's cases in Jones v. City and Holodnak v. City ("FBA Litigation") through the Fourth District Court of Appeal; authorizing the payment of \$12,993.82 to Freilich, Leitner and Carlisle and \$4,378.30, to Hahn and Kazier to cover actual legal fees and costs incurred in the FBA Litigation through the California Supreme Court; authorizing the payment of \$5,784.55 to Freilich, Leitner and Carlisle to cover actual legal fees and costs incurred in the preparation of an amicus brief on behalf of the City of San Diego in the Building Industry v. the City of Oxnard case; declaring that the fees and costs authorized shall be shared equally and paid from the North University City FBA Fund (779001-4141) and North City West FBA Fund (79002-4141).

CITY ATTORNEY REPORT: On August 23, 1984, the California Supreme Court denied hearing in the two cases challenging the City's Facilities Benefit Assessment District Ordinance and the implementation of the FBA Program. The payment of legal fees incurred by the City to defend this litigation is being requested from the FBA funds currently held in trust. The FBA ordinance recognizes legal fees as a valid expenditure. The amounts requested are unbudgeted and are to be shared equally between the North University City and North City West FBA District.

FILE LOCATION: STRT FBI + FB8

COUNCIL ACTION: (Tape location: C558-576.)

MOTION BY MARTINEZ TO ADOPT AS AMENDED TAKING THE MONEY FROM THE GENERAL FUND RATHER THAN THE FBA FUND. Second by Gotch. Passed by the following vote: Mitchell-yea, Cleator-yea, McColl-yea, Jones-yea, Struiksma-yea, Gotch-yea, Murphy-yea, Martinez-yea, Mayor Hedgecock-yea.

ITEM-210: (R-85-917) ADOPTED AS RESOLUTION R-262076

Nominating and electing the following persons to serve on the San Diego Data Processing Corporation Board of Directors for three-year terms to expire July 1, 1987, after full and complete discussion and deliberation:

Passed and adopted by the Council of The Cit	y of San Diego on	DEC 3 1984
by the following vote: Councilmen	Yeas Nays	Not Present Ineligible
Bill Mitchell		
Bill Cleator Gloria McColl		
William Jones		
Ed Struiksma Mike Gotch		
Dick Murphy Uvaldo Martinez		
Mayor Roger Hedgecock		
AUTHENTICATED I	BY:	
		OGER HEDGECOCK The City of San Diego, California.
(Seal)		ARLES G. ABDELNOUR
		of The City of San Diego, California,
	B. June	a Blackell, Deputy.
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	Office of the City (Clerk, San Diego, California
Resolut Number	ion R-26207	5 Adopted DEC 3 1984

CC-1276 (REV. 6-83)

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