

(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).

APPROVED: John W. Witt, City Attorney

By

*Janis Sammartino Gardner*  
Janis Sammartino Gardner  
Deputy City Attorney

JSG:ta:600.2

10/4/84

REV. 12/4/84

Dept:Atty.

Aud.Cert:85330

R-85-613

Form=r.none

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

CERTIFICATION OF UNALLOTTED BALANCE AC 85330

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 \$ 57,728.14 Fund 79001-North University City FBA  
57,728.14 79002-North City West FBA

Purpose \_\_\_\_\_

\_\_\_\_\_  
 Auditor and Comptroller

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

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 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 \$ 115,456.28

*DR Ryan*

\_\_\_\_\_  
 Auditor and Comptroller

Dated October 10, 19 84

BY *John Traumann*

PURPOSE Payment of Legal Fees for Facilities Benefit Assessment Litigation

VENDOR VARIOUS (see attached)

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			79001		4141	790010				\$ 57,728.14
2			79002		4141	790020				57,728.14
TOTAL AMOUNT										\$115,456.28

FUND OVERRIDE



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:

01700  
01770

DEC 3 1984

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number *R-262075* Adopted **DEC 3 1984**

RECEIVED  
CITY CLERK'S OFFICE  
1984 DEC -4 AM 10: 25  
SAN DIEGO, CALIF.

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DEC 9 1984

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