

(O-89-157)

ORDINANCE NUMBER O- 17241 (NEW SERIES)

ADOPTED ON JAN 31 1989

AN ORDINANCE AMENDING ORDINANCE NO. O-17122 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1988-89 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. OO-17122-1, AS AMENDED AND ADOPTED THEREIN, BY AMENDING SECTION 2, SUBSECTION VI, ITEM 4, TO TRANSFER THE SUM OF \$4,961,119 FROM THE UNAPPROPRIATED FUND BALANCE OF THE SEWERAGE UTILITY REVENUE FUND (41506) TO THE SEWERAGE UTILITY REVENUE FUND (41506) NON-PERSONNEL EXPENSE; AUTHORIZING THE AUDITOR AND COMPTROLLER TO SET ASIDE, TRANSFER AND ALLOCATE SAID \$4,961,119 TO THE SEWERAGE UTILITY REVENUE FUND (41506), METROPOLITAN WASTEWATER PROGRAM (70211); AND AUTHORIZING THE EXPENDITURE OF A SUM NOT TO EXCEED \$4,961,119 FROM THE SEWERAGE UTILITY REVENUE FUND (41506), METROPOLITAN WASTEWATER PROGRAM (70211) FOR THE SOLE AND EXCLUSIVE PURPOSE OF FUNDING EXECUTED COMPROMISE AGREEMENTS AND MUTUAL RELEASES.

WHEREAS, the City's Metropolitan Sewerage System (Metro) provides sewer service to fifteen participating agencies (cities and sanitation districts) through contractual agreements and the agreements require each agency to share the costs of operating and maintaining the System based upon the proportion that each agency's sewage flow bears to the total Metro sewage flow; and

WHEREAS, the City and agencies recognized that sewage flow measurements for fiscal years 1980-1986 were inaccurate which resulted in the overcharging of agencies for the Metro operation and maintenance costs; and

WHEREAS, as a result of a preliminary study conducted in 1983, the agencies received credit for a portion of the prior estimated overcharges and the agencies continued to receive estimated annual credits until substantive data was developed to verify the actual credits due; and

WHEREAS, the purchase of sophisticated flow metering devices has resulted in more accurate sewage flow measurement and the City, with the concurrence of the Metro agencies, developed data upon which the total credits were calculated; and

WHEREAS, the data indicates that the agencies should receive refunds (including interest) totalling \$4,961,119 and each participating agency concurs with the City's findings and has executed a Compromise Agreement and Mutual Release; and

WHEREAS, it is now appropriate to refund said adjustments to participating agencies, which this action will accomplish; NOW, THEREFORE,

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

Section 1. That Ordinance No. O-17122 (New Series), as amended, entitled "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1988-89 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR," be and the same is hereby amended by amending Document No. OO-17122-1, as amended and adopted therein, by amending section 2, subsection VI, item 4, entitled "SEWERAGE UTILITY REVENUE FUND" (41506) by transferring the sum of \$4,961,119 from the Unappropriated Fund Balance to Non-Personnel Expense in said fund and increasing the total allocated thereto accordingly.

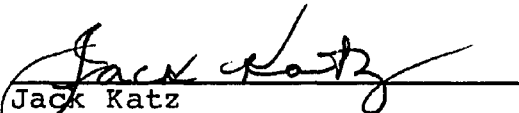
Section 2. That the Auditor and Comptroller be and he is hereby authorized to set aside and allocate said \$4,961,119 so transferred within Fund 41506 to the Metropolitan Wastewater Program (70211).

Section 3. That the City Manager be and he is hereby authorized to expend a sum not to exceed \$4,961,119 from said Metropolitan Wastewater Program (70211) for the sole and exclusive purpose of funding executed compromise agreements and mutual releases.

Section 4. That this ordinance shall take effect and be in force immediately upon its adoption after two public hearings, pursuant to the authority contained in Sections 16, 17 and 71 of the Charter of The City of San Diego.

APPROVED: JOHN W. WITT, Attorney

By


Jack Katz
Senior Chief Deputy

JK:smm
01/13/89
Or.Dept:W.Util.
Aud.Cert.:8900589
O-89-157
Form=o.btof

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 8900589

ORIGINATING DEPT. NO.: 700

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 \$ 4,961,119.00 Fund 41506

Purpose Authorizing the expenditure of funds for Metropolitan Sewerage System
flow adjustments.

Date January 6, 19 89

By: *Kenneth Rice*
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		41506	700	111	4883	037880				\$4,961,119.00
TOTAL AMOUNT										\$4,961,119.00

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 \$ _____

Vendor _____

Purpose _____

Date _____, 19 _____

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

JAN 31 1989

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *June G. Blackwell*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
JAN 31 1989, said ordinance being of the kind and character
authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not
less than a majority of the members elected to the Council, and that there was available for the consideration
of each member of the Council and the public prior to the day of its passage a written or printed copy of said
ordinance.

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

(Seal)

By *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **17241**

JAN 31 1989

Adopted

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
89 FEB 21 AM 11:34
SAN DIEGO, CALIF. 20

CITY OF SAN DIEGO
202 C ST., 2ND FLOOR
SAN DIEGO, CA 92101
ATTN: J. BLACKNELL

IN THE MATTER OF NO.
AN ORDINANCE AMENDING ORDINANCE NO. 0-17122
(NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE
ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR
1988-89 AND APPROPRIATING THE NECESSARY MONEY TO
~~OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" ET AL.~~

ORDINANCE NUMBER 0-17241 (NEW SERIES)

AN ORDINANCE AMENDING ORDINANCE NO. 0-17122 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1988-89 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. 00-17122-1, AS AMENDED AND ADOPTED THEREIN, BY AMENDING SECTION 2, SUBSECTION VI, ITEM 4, TO TRANSFER THE SUM OF \$4,981,119 FROM THE UNAPPROPRIATED FUND BALANCE OF THE SEWERAGE UTILITY REVENUE FUND (41506) TO THE SEWERAGE UTILITY REVENUE FUND (41506) NON-PERSONNEL EXPENSE; AUTHORIZING THE AUDITOR AND COMPTROLLER TO SET ASIDE, TRANSFER AND ALLOCATE SAID \$4,981,119 TO THE SEWERAGE UTILITY REVENUE FUND (41506), METROPOLITAN WASTEWATER PROGRAM (70211); AND AUTHORIZING THE EXPENDITURE OF A SUM NOT TO EXCEED \$4,981,119 FROM THE SEWERAGE UTILITY REVENUE FUND (41506), METROPOLITAN WASTEWATER PROGRAM (70211) FOR THE SOLE AND EXCLUSIVE PURPOSE OF FUNDING EXECUTED COMPROMISE AGREEMENTS AND MUTUAL RELEASES.

This ordinance amends the annual appropriation ordinance by transferring within the Sewerage Utility Revenue Fund (41506) the sum of \$4,981,119 from the Unappropriated Fund Balance to Non-Personnel Expense of said Fund, increasing thereby the total allocated. It further authorizes the Auditor and Comptroller to allocate said \$4,981,119 to the Metropolitan Wastewater Program (70211) and thereafter authorizes the expenditure of said amount for the sole and exclusive purpose of funding executed compromise agreements and mutual releases.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced, reading dispensed with and adopted by the City Council of The City of San Diego on JAN 31 1989

AUTHENTICATED: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By JUNE A. BLACKNELL Deputy
Pub. February 13

129940

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-17241 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

FEB. 13

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 13 day of FEB., 19 89.



(Signature)

$4 \times 2 \times 45.32 = 362.64$