

(O-90-71)

ORDINANCE NUMBER O- 17374 (NEW SERIES)

ADOPTED ON OCT 17 1989

AN ORDINANCE AMENDING ORDINANCE NO. O-17326 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1989-90 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. OO-17326-1, AS AMENDED AND ADOPTED THEREIN, BY TRANSFERRING THE SUM OF \$9 MILLION BETWEEN AND WITHIN VARIOUS FUNDS OF THE CITY OF SAN DIEGO; AUTHORIZING THE CITY MANAGER AND AUDITOR AND COMPTROLLER TO EXPEND THE SUM OF \$9 MILLION FOR THE PURPOSE OF SATISFACTION AND FULL SETTLEMENT OF LITIGATION MATTERS IN THE CASE OF WOOLRICH v. CITY OF SAN DIEGO.

WHEREAS, on October 3, 1989, the City reached settlement in the Woolrich v. City of San Diego case which totals \$9 million, and includes the transfer of the title of fifteen properties in South Bay to the City; and

WHEREAS, payment of the settlement will require the reallocation of \$6.8 million in discretionary revenues from the Capital Improvements Program (CIP) to the Public Liability Reserve Fund and \$2.2 million which will be budgeted in the Capital Outlay Other Revenue Fund for the acquisition of the Woolrich properties; and

WHEREAS, to offset the transfer of \$6.8 million in revenues from the CIP Program to the Public Liability Reserve, \$5,052,000 will be transferred from the Industrial Development Fund unappropriated fund balance to the Capital Outlay Other Revenue Fund and an additional \$1,448,000 will be available from CIP No.

36-021.0 (Southern Area Station), which will be funded from developer contributions; and

WHEREAS, the remaining \$300,000 in transferred revenues and \$2.2 million for property acquisition will be funded by unappropriated balances of \$500,000 in the Capital Outlay Other Revenue Fund and \$2 million in the Capital Outlay Sales Tax Fund; and

WHEREAS, the transfer of funds from the Industrial Development Fund to the Capital Outlay Other Revenue Fund will require the waiver of Council Policy 900-3, which limits the use of Industrial Development Fund revenues to industrial development purposes; NOW, THEREFORE,

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

Section 1. That Ordinance No. O-17326 (New Series), as amended, entitled "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1989-90 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-17326-1, as amended and adopted therein, by transferring and appropriating therein the sum of \$9 million between and within various funds as set forth hereinafter.

Section 2. That the Trolley Reserve Fund (10226) budget be amended by reducing the transfer to Capital Outlay Other Revenue Fund (302453) by \$3 million and authorizing the transfer of said \$3 million to the Public Liability Reserve Fund (81140).

Section 3. That the Public Arts Fund (10270) budget be amended by reducing the transfer to Capital Outlay Other Revenue Fund (302453) by \$158,000 and authorizing the transfer of said \$158,000 to the Public Liability Reserve Fund (81140).

Section 4. That the Auditor and Comptroller be and he is hereby authorized to transfer the sum of \$1,735,000 from the Wetlands Acquisition Fund (10545) to the Public Liability Reserve Fund (81140).

Section 5. That the Auditor and Comptroller be and he is hereby authorized to reimburse the Wetlands Acquisition Fund (10545) in expenditures related to the Famosa Slough by transferring the sum of \$1,735,000 thereto from Capital Outlay Other Revenue Fund (302453).

Section 6. That Council Policy 900-3 be and it is hereby waived and the Auditor and Comptroller be and he is hereby authorized to transfer the sum of \$5,052,000 from the Industrial Development Fund (30248) Unappropriated Fund balance to the Capital Outlay Other Revenue Fund (302453).

Section 7. That Council Policy 900-3 be and it is hereby waived and the Auditor and Comptroller be and he is hereby authorized to transfer the sum of \$1,448,000 from CIP No. 36-021.0, entitled "Southern Area Station" to Capital Outlay Other Revenue Fund (302453) fund balance, said sum representing developer contributions to the project.

Section 8. That the Auditor and Comptroller be and he is hereby authorized to appropriate the sum of \$2 million from Unappropriated Fund balance in the Capital Outlay Sales Tax Fund

(30245), reducing the appropriation of sales tax by \$1,907,000 by transferring said \$1,907,000 to the Public Liability Reserve Fund (81140).

Section 9. That the fiscal year 1990 Capital Improvement Program budget be amended by adding a new project CIP No. 39-109.0, entitled "Woolrich Land Acquisition."

Section 10. That the Auditor and Comptroller be and he is hereby authorized to transfer the sums of \$2,107,000 from the Capital Outlay Other Revenue Fund (302453) and \$93,000 from the Capital Outlay Sales Tax Fund (30245) to the newly created CIP Project No. 39-109.0, entitled "Woolrich Land Acquisition."

Section 11. That the City Manager and the Auditor and Comptroller be and they are hereby authorized to expend the sum of \$9 million (\$2,200,000 from CIP No. 39-109.0 and \$6,800,000 from Public Liability Reserve Fund 81140) in full settlement and satisfaction of litigation in the Woolrich v. City of San Diego case as specifically delineated by Council resolution adopted at the adoption stage of this ordinance.

Section 12. 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
10/13/89
Or.Dept:Risk.Mgmt.
Aud.Cert.:9000389
O-90-71
Form=o.btof

0-17374

#521

OCT 17 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 *Blonda R. Barnes*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
OCT 17 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 *Blonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0 17374** Adopted **OCT 17 1989**

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

89 NOV -9 AM 2:45

SAN DIEGO, CALIF. *P*

OFFICE OF THE CITY CLERK
2ND FLOOR
CITY ADMINISTRATION BLDG.
SAN DIEGO, CA 92101
ATTN: RHONDA BARNES

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING ORDINANCE NO. 0-17326 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1989-90 AND APPROPRIATING THE NECESSARY MONEY TO

OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" ET AL . . .

ORDINANCE NUMBER 0-17374 (NEW SERIES)

AN ORDINANCE AMENDING ORDINANCE NO. 0-17326 (NEW SERIES), AS AMENDED, ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 1989-90 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR" BY AMENDING DOCUMENT NO. 00-17326-1, AS AMENDED AND ADOPTED THEREIN, BY TRANSFERRING THE SUM OF \$9 MILLION BETWEEN AND WITHIN VARIOUS FUNDS OF THE CITY OF SAN DIEGO; AUTHORIZING THE CITY MANAGER AND AUDITOR AND COMPTROLLER TO EXPEND THE SUM OF \$9 MILLION FOR THE PURPOSE OF SATISFACTION AND FULL SETTLEMENT OF LITIGATION MATTERS IN THE CASE OF WOOLRICH V. CITY OF SAN DIEGO.

This ordinance amends the annual budget ordinance by transferring monies between and within various funds of The City of San Diego to provide the sum of \$9 million for expenditure in full settlement of satisfaction of litigation in the case of Woolrich v. City of San Diego, consisting of \$2,200,000 from CIP No. 39-109.0, entitled "Woolrich Land Acquisition" and \$6,800,000 from the Public Liability Reserve Fund 81140.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, CA 92101.
Introduced, reading dispensed with and adopted by the City Council of The City of San Diego on OCT 17 1989.
AUTHENTICATED BY: MAUREEN O'CONNOR Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR City Clerk of The City of San Diego, California
By RHONDA R. BARNES Deputy
Pub. Oct. 31 1989

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 0-17374 (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:

OCT. 31

I certify under penalty of perjury that the foregoing is true and correct. 31 OCT. 89

Dated at San Diego, California this _____ day of _____, 19 _____.

Thomas D. Kelleher

(Signature)

3 1/8 x 2 = 73.44