

(R-89-2120)

RESOLUTION NUMBER R- 273371

ADOPTED ON MAY 2 1989

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute the stipulation for entry of judgment on file with the City Clerk as document no. RR-273371 and the promissory note attached as Exhibit B thereto, in the case, Ogden Environmental Services, Inc. v. City of San Diego, et al., U.S. District Court, Southern District of California, Case No. 88-0252-K(M) and to pay the sum of \$1,250,000.00 to Ogden Environmental Services, Inc. in settlement of the claims in said lawsuit.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue three checks in the amounts of \$250,000.00, \$500,000.00, and \$500,000.00 on the dates specified and pursuant to the stipulation for entry of judgment on file with the City Clerk as document no. RR-273371, payable to Ogden Environmental Services, Inc. and their attorneys, Latham and Watkins.

APPROVED: John W. Witt, City Attorney

By C. Alan Sumption
C. Alan Sumption
Chief Deputy City Attorney

CAS:dk:Lit.
05/01/89
Aud.Cert: 8900935
Or.Dept:Risk Mgmt
R-89-2120
Form=r.claim2

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8900935

ORIGINATING DEPT. NO. 084

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 _____

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

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 \$ 1,250,000.00

Vendor Ogden Environmental Services, Inc.

Purpose Authorizing the expenditure of funds for settlement of property damage claim

LP88-0065-5295.

Date May 1, 1989

By: *Kimberly A. 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		81140	81140		4824	81141				\$1,250,000.00
TOTAL AMOUNT										\$1,250,000.00

FUND OVERRIDE

R-273371

MAY 2 1989

Closed Session
Passed and adopted by the Council of The City of San Diego on May 2, 1989
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" 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 Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" 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 *Rhonda R. Baer*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-273371* Adopted **MAY 2 1989**