

(R-90-501)

RESOLUTION NUMBER R- 274461

ADOPTED ON SEP 28 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, for and on behalf of said City, Amendment No. 2 to the Program Management Agreement of March 22, 1988 with James M. Montgomery, Consulting Engineers, Inc., to add professional consulting services related to consent decree negotiations to the consultant's scope of work, under the terms and conditions set forth in Amendment No. 2 on file in the office of the City Clerk as Document No. RR-274461.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$285,490.00 from CIP No. 46-147.0, Modified Wastewater Treatment Facilities Plan, within Sewer Revenue Fund No. 41506, is hereby authorized, solely and exclusively for the purpose of providing funds for the above services.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$400,000.00 from CIP No. 46-147.0, Modified Wastewater Treatment Facilities Plan, within Sewer Revenue Fund No. 41506, is hereby authorized, solely and exclusively for the purpose of providing additional funding for special legal counsel by Pepper, Hamilton & Scheetz to assist in consent decree negotiations and

litigation in Case No. 88-1101-B (IEG), United States District
Court for the Southern District of California.

APPROVED: JOHN W. WITT, City Attorney

By Ted Bromfield
Ted Bromfield
Chief Deputy City Attorney

TB:mb
09/19/89
Aud.Cert:9000303
Or.Dept:W.Util
R-90-501
Form=r.auagr

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9000303

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 \$ _____ 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 |
| | | | | | | | | | | |
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| | | | | | | | | | | |
| 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 \$ 685,490.00

Vendor James M. Montgomery, Consulting Engineers, Inc.

Purpose Authorizing the expenditure of funds for 2nd Amendment to add professional consulting services related to consent decree negotiations for the clean water program.

Date September 13, , 1989

By: *Kimberly 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 | 286 | 4118 | 163020 | | | | \$ 285,490.00 |
| 2 | | 41506 | 700 | 286 | 4141 | 163019 | | | | 400,000.00 |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | | \$ 685,490.00 |

FUND OVERRIDE

SEP 26 1989

R-274461

AC 9000303

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500

Passed and adopted by the Council of The City of San Diego on SEP 26 1989,
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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ed Struiksma | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| J. Bruce Henderson | <input type="checkbox"/> | <input checked="" 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 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 Jana M. Martin, Deputy.

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| Office of the City Clerk, San Diego, California | |
| Resolution Number <u>274461</u> | SEP 26 1989 |
| Adopted | |

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