

(R-93-1503)

RESOLUTION NUMBER R- 281734

ADOPTED ON APR 12 1993

WHEREAS, in Closed Session on March 16, 1993, the City Council, by the following vote: Yeas, Mayor, Districts 1, 3, 4, 6, 7 and 8; Nays, none; Absent: 2 and 5; authorized retention of the firm of Brown, Diven & Hentschke to represent the City in the defense of litigation in Garcia v. City of San Diego, et al., Superior Court Case No. 661411 and Goertz, et al. v. City of San Diego, et al., Superior Court Case No. 661460; and

WHEREAS, the Council also authorized expenditure of funds for that purpose; NOW, THEREFORE,

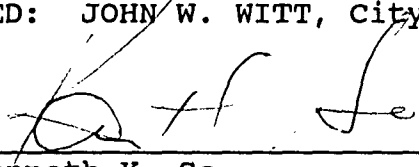
BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized to retain the law firm of BROWN, DIVEN & HENTSCHE as counsel for certain litigation matters involving Garcia v. City of San Diego, et al.; Goertz, et al. v. City of San Diego, et al., pursuant to the terms and conditions of the March 19, 1993 Special Counsel Agreement on the matter, a copy of which is on file in the office of the City Clerk as Document No. RR-281734.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller be and he is hereby authorized to set aside and expend an amount not to exceed \$5,000 from Public Liability Fund No. 81140, Object

Account No. 4141, Job Order No. 081141 and exclusively for the purpose of defraying legal fees and costs incurred by counsel.

APPROVED: JOHN W. WITT, City Attorney

By

  
\_\_\_\_\_  
Kenneth K. So  
Chief Deputy City Attorney

KKS:js  
03/31/93  
Or.Dept:Atty  
Aud.Cert:9300902  
R-93-1503  
Form=r-t

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9300902  
 ORIGINATING DEPT. NO.: 045

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 \_\_\_\_\_ 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 money 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 \$ 5,000.00

Vendor Brown, Diven & Hentschke

Purpose Authorizing the expenditure of funds for the retention of special counsel to represent the

City in litigation matters of Luis Garcia & Mr. & Mrs. Goertz.

Date March 29, 1993

By: Cecilia San Pedro  
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	81140	81140		4141	081141				\$5,000.00
TOTAL AMOUNT										\$5,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

R-281734

APR 12 1993

AC 9300902

#114

Passed and adopted by the Council of The City of San Diego on APR 12 1993,  
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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

SUSAN GOLDING  
Mayor of The City of San Diego, California.

(Seal)

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

By Linda Ferguson, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-281734 APR 12 1993  
 Number..... Adopted .....

RECEIVED

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CITY CLERKS OFFICE  
SAN DIEGO, CA