

RESOLUTION NUMBER R- 284761

ADOPTED ON OCT 11 1994

WHEREAS, in Closed Session on September 13, 1994, the City Council, by the following vote: Yeas, Districts 1, 2, 4, 5, 6, 7, 8; Nays, none; Not Present, District 3; Ineligible, Mayor; authorized the retention of the law firm of Gray, Cary, Ware & Freidenrich to represent the City in the defense of litigation in the case, Wimpey Commercial, Inc. v. The United States of America, et al., United States District Court Case No. 941068R (AJB), and

WHEREAS, the Council authorized the 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 Gray, Cary, Ware & Freidenrich as counsel representing the City in the case of Wimpey Commercial, Inc. v. The United States of America, et al.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to set aside and expend an amount not to exceed \$150,000.00 for the purpose of

paying legal fees and costs incurred by counsel in representing  
The City of San Diego.

APPROVED: John W. Witt, City Attorney.

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

CAS:ds:Lit.  
9/14/94  
Aud.Cert:  
Or.Dept:Atty  
R-95-471  
Form=r.claim1

R-284761

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9500383

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 \_\_\_\_\_ 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 \$ 150,000

Vendor GRAY, CARY, WARE & FREIDENRICH

Purpose AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PURPOSE OF DEFRAYING LEGAL FEES AND COSTS INCURRED IN LITIGATION OF WIMPEY COMMERCIAL, INC. VS. U.S.A.

Date 9/28/94 By: *[Signature]*

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	40012	700	209	4824	002163		41508		\$150,000.00
TOTAL AMOUNT										\$150,000.00

FUND OVERRIDE

AC 9500383

OCT 11 1994 **R 284761**