

(R-95-689)

RESOLUTION NUMBER R- **284860**

ADOPTED ON **NOV 01 1994**

WHEREAS, in Closed Session on March 16, 1993, the City Council 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 and on April 12, 1993, by Resolution No. R-281734, authorized the City Auditor and Comptroller to set aside and expend an amount not to exceed \$5,000 from Public Liability Fund No. 81140 for that purpose; and

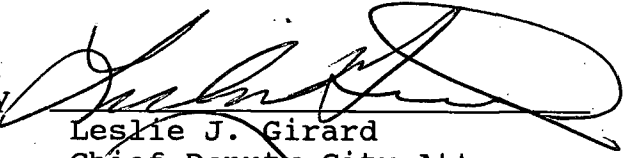
WHEREAS, the City Council in closed session on November 1, 1994, by the following vote: Yea, Districts 2, 4, 5, 7, 8 and the Mayor; Nay, None; Not Present, Districts 1, 3 and 6; approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Auditor and Comptroller be and he is hereby authorized to set aside and expend an additional amount not to exceed \$15,000 from Public Liability Fund No. 81140, Object Account No. 4141, Job Order No. 081141, exclusively for the

purpose of defraying legal fees and costs incurred by counsel in the above-referenced litigation.

APPROVED: JOHN W. WITT, City Attorney

By

  
Leslie J. Girard  
Chief Deputy City Attorney

LJG:js:lc  
11/01/94  
Or.Dept:Risk.Mgmt.  
Aud.Cert:9500490  
R-94-689  
Form=r-t

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

**CERTIFICATE OF UNALLOTTED BALANCE**      AC 9500490

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 \$ 15,000.00

Vendor Authorize the expenditure of funds for legal services for Brown, Diven, and Hentschke

Purpose in the cases Garcia v. City and Goertz v. City.

Date October 31, 1994 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
01	0	81140	81140		4141	081141				\$15,000.00
TOTAL AMOUNT										\$15,000.00

FUND OVERRIDE

AC 9500490

*R-284860*

NOV 01 1994