

RESOLUTION NUMBER R- 285386

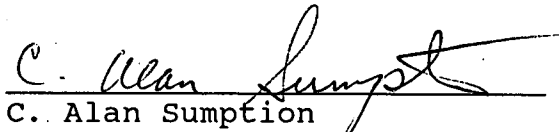
ADOPTED ON FEB 27 1995

WHEREAS, in Closed Session on January 17, 1995, the City Council, by the following vote: Yeas, Districts 1, 3, 4, 5, 6, 7, 8 and the Mayor; Nays, None; Not Present, District 2; approved the additional sum of \$20,000 for outside counsel fees and costs and in Closed Session on January 31, 1995, the City Council by the following vote: Yeas, Districts 1, 3, 4, 5, 6, 7 and the Mayor; Nays, None; Not Present, Districts 2 and 8; approved the further additional sum of \$175,000 for outside counsel fees and costs for legal representation in the case, Solar Turbines, Inc. v. Navistar International Transportation Corp., et al. v. City of San Diego, et al., U.S. District Court Case No. 92-1612 GT (BTM), over and above the sum previously authorized on October 11, 1994, NOW, THEREFORE,

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 pay for attorneys fees and costs to the law firm of Higgs, Fletcher & Mack as counsel representing The City of San Diego in the case, Solar Turbines, Inc. v. Navistar International Transportation Corp., et al. v. City of San Diego, et al., up to and including the amount of \$195,000 in addition to the previous authorization of \$150,000.

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 \$195,000 for the purpose of paying legal fees and costs incurred by counsel representing The City of San Diego.

APPROVED: JOHN W. WITT, City Attorney

By   
C. Alan Sumption  
Senior Chief Deputy City Attorney

CAS:ds:Lit.  
01/31/95  
Aud.Cert:  
Or.Dept:Atty  
R-95-1144  
Form=r.claim1

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

**CERTIFICATE OF UNALLOTTED BALANCE**      AC 9500817

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 \$ 195,000.00

Vendor HIGGS, FLETCHER & MACK

Purpose AUTHORIZING EXPENDITURE OF FUNDS FOR LEGAL REPRESENTATION IN THE CASE OF SOLAR TURBINES, INC V. NAVISTAR INTERNATIONAL TRANSPORTATION CORP., ET AL V. CITY OF SAN DIEGO, ET AL (U.S. DISTRICT COURT NO 92-1612 GT)

Date FEBRUARY 7, 1995 By: *Lillian Peane*

AUDITOR AND COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA |       |       |       |      |         |           |                   |            |          |              |
|-----------------|-------|-------|-------|------|---------|-----------|-------------------|------------|----------|--------------|
| ACCTG. LINE     | CY PY | FUND  | DEPT  | ORG. | ACCOUNT | JOB ORDER | OPERATION ACCOUNT | BENF/EQUIP | FACILITY | AMOUNT       |
| 001             | 0     | 81140 | 81140 |      | 4141    | 081141    |                   |            |          | \$195,000.00 |
|                 |       |       |       |      |         |           |                   |            |          |              |
|                 |       |       |       |      |         |           |                   |            |          |              |
|                 |       |       |       |      |         |           |                   |            |          |              |
| TOTAL AMOUNT    |       |       |       |      |         |           |                   |            |          | \$195,000.00 |

FUND OVERRIDE

AC 9500817