

(R-95-1072)

RESOLUTION NUMBER R- 285387

ADOPTED ON FEB 27 1995

WHEREAS, in Closed Session on January 17, 1995, the City Council, by the following vote: Yeas, Mayor, Districts 1, 5, 6, 7 and 8 authorized the expenditure of \$40,000 for additional attorney fees and costs to handle the Appeal of City v. U.S. Gypsum, et al, Santa Barbara Superior Court Case No. 185188.

WHEREAS, the Council previously authorized on January 9, 1992 the expenditure of \$35,000 for attorney fees and costs for the initial phase of the appellate process.

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized to continue to use the services of the Casey, Gerry, Casey, Westbrook, Reed & Schenk firm to handle the Appeal of this matter.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller be and he is hereby authorized to set aside and expend for the Appeal of this matter a total amount not to exceed \$75,000.

APPROVED: JOHN W. WITT, City Attorney

By


Deborah L. Berger
Deputy City Attorney

DLB:dll
01/17/95
Or.Dept:Atty
Aud.Cert:
R-95-1072
Form=r-t

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9500782

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 \$ 40,000.00

Vendor CASEY, GERRY, CASEY, WESTBROOK, REED & SCHENK FIRM

Purpose AUTHORIZING EXPENDITURE OF FUNDS TO HANDLE THE APPEAL OF CITY VS U.S. GYPSUM

ET AL., SANTA BARBARA SUPERIOR COURT CASE NO. 185188

Date JANUARY 24, 1995 By: *Lillian Pense*

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		4151	081141				\$40,000.00
TOTAL AMOUNT										\$40,000.00

FUND OVERRIDE

AC 9500782

R-285387

FEB 27 1995