

RESOLUTION NUMBER R- 299095

ADOPTED ON APR 19 2004

BE IT RESOLVED, by the Council of the City of San Diego, as follows:


1. That the City Attorney is authorized to execute a First Amendment to the Agreement with Sandler, Lasry, Laube, Byer & Valdez, LLP., in the amount of \$450,000, for professional services related to the mediation and litigation support on the Water Department Central Facility;

2. That the City Auditor and Comptroller is authorized to transfer an amount not to exceed \$313,673.12 from Water Fund 41500, CIP 73-261.3, Alvarado Water Treatment Plant Upgrade & Expansion – Phase 2, to Water Fund 41500, CIP 73-338.0, Water Department Central Facilities, for the funding of \$288,673.13 for the First Amendment to the Agreement with Sandler, Lasry, Laube, Byer & Valdez, LLP; and \$25,000 for in-house related expenditures; and,

3. That the City Auditor and Comptroller is authorized, upon advice from the administering department, to return excess funds, if any, to the appropriate reserves.

APPROVED: CASEY GWINN, City Attorney

By

  
Michael R. McGuinness  
Deputy City Attorney

MRM:kat:civ  
04/07/04  
AC2400980  
Or.Dept: Water  
R-2004-1043

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC 2400980  
DEPT. NO.: 760

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: \$313,673.13 Fund: 41500

Purpose: Authorizing the transfer of funds from CIP 73-261.3, Alvarado Water Treatment Plant Upgrade & Expansion - Phase 2, to CIP 73-338.0, Water Department Central Facility.

Date: April 6, 2004 By:   
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	41500	760	391	4278	185000				\$313,673.13
TOTAL AMOUNT										\$313,673.13

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.

Amount: \$450,000.00

Vendor: Sandler, Lasry, Laube, Byer & Valdez, LLP

Purpose: Authorizing the First Admendment for professional services related to mediation and litigation support on the Water Dpartment Central Facility agreement.

Date: April 6, 2004 By:   
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
2	0	41500	760	391020	4141	185751				\$161,326.87
3	0	41500	706	391020	4141	185751				288,673.13
TOTAL AMOUNT										\$450,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

The agreement is pending the approval of the request to transfer funds.

AC 2400980

*R.* 299095

APR 19 2004