(R-2006-279)

RESOLUTION NUMBER R- 300898

ADOPTED ON ____ OCT 1 0 2005

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING PARTIAL PAYMENT OF PLAINTIFF'S ATTORNEY FEES IN SAN DIEGO BAYKEEPER, ET AL, V. CITY OF SAN DIEGO.

WHEREAS, in Closed Session on April 5, 2005, the City Council by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 7, and Mayor; Nays, None; Not Present, District 8; Recused, District 6; approved the following, contingent on approval of the Partial Consent Decree by the District Court; and

WHEREAS, the District Court approved the Partial Consent Decree on September 13, 2005; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized and empowered to pay the sum of \$110,000 as a partial payment of the plaintiffs' attorney fees and costs in *San Diego BayKeeper, et al, v. City of San Diego*, U.S. District Court No. 01-CV-0550-B; and an amount not to exceed \$10,000 to the San Diego BayKeeper / Surfrider Foundation for oversight of the Partial Consent Decree entered in *San Diego BayKeeper, et al, v. City of San Diego*.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to issue one check in the amount of \$110,000 made payable to San Diego BayKeeper as a partial payment of plaintiffs' attorney fees and costs in *San Diego BayKeeper*, et al, v. City of San Diego, U.S. District Court No. 01-CV-0550-B.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$10,000 is hereby authorized, solely and exclusively to provide funds for oversight of the Partial Consent Decree by San Diego Baykeeper / Surfrider Foundation in San Diego Baykeeper, et al, v. City of

San Diego, U.S. District Court No. 01-CV-0550-B, upon receipt of properly documented invoices showing the nature of the oversight, time expended, and the charge per hour.

BE IT FURTHER RESOLVED, that the above funds are payable from Sewer Revenue Fund No. 41506, and that any unexpended funds may be transferred to the appropriate reserves upon advice from the administering department.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

Thomas C. Zeleny
Deputy City Attorney

TCZ:mb 09/29/05

Aud.Cert: 2600244 Or.Dept:MWWD MWD-6027

R-2006-279

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

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