

RESOLUTION NUMBER R- 300898

ADOPTED ON OCT 10 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**

AC 2600244

ORIGINATING

DEPT. NO.: 776

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										\$0.00

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: \$120,000.00

Vendor: San Diego Baykeeper and Surfrider Foundation

Purpose: To authorize the expenditures of funds for partial payment of attorney's fees and cost to oversight of partial the partial consent decree

Date: September 29, 2005 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	41506	776	455	4141	767250				\$120,000.00
TOTAL AMOUNT										\$120,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2600244

*R-* 300898

OCT 10 2005