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6/12/06

(R-2006-970)

RESOLUTION NUMBER R- 301519

DATE OF FINAL PASSAGE JUN 16 2006

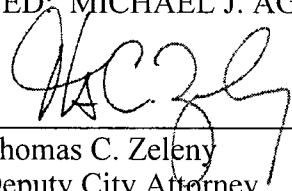
RESOLUTION AUTHORIZING PAYMENT OF ATTORNEY'S FEES AND COSTS TO BAYKEEPER/SURFRIDER FOUNDATION IN THE CASE OF *UNITED STATES & BAYKEEPER/SURFRIDER FOUNDATION V. CITY OF SAN DIEGO*, U.S. DISTRICT COURT CASE NO. 01-CV-0550-B.

WHEREAS, BayKeeper/Surfrider Foundation brought a lawsuit against the City of San Diego for sewer spills that occurred since 1996, which was joined by the U.S. Department of Justice and the State of California and consolidated as U.S. District Court No. 01-CV-0550-B; and

WHEREAS, the City made partial payment of \$110,000 towards attorney's fees and costs to BayKeeper/Surfrider Foundation in conjunction with the First Partial Consent Decree; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the payment of attorney's fees and costs to BayKeeper/Surfrider Foundation is hereby authorized in connection with the Second Partial Consent Decree in *United States & BayKeeper/Surfrider Foundation v. City of San Diego*, U.S. District Court No. 01-CV-0550-B, in the amount of \$ ^{up to} 301,923.44, provided that the City Auditor and Comptroller first furnishes one or more certificates indicating that the funds necessary for this expenditure are available in the City Treasury.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Thomas C. Zeleny
Deputy City Attorney

TCZ:mb
05/10/06
Aud.Cert:N/A
Or.Dept:MWWD
MWD-6106
R-2006-970

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego,
at its meeting of JUN 12 2006.

ELIZABETH S. MALAND, City Clerk

By Manuel E. Kellman
Deputy City Clerk

Approved: 6-16-06
(date)

Jerry Sanders
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2600800

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: \$309,924.00 41506

Purpose: Authorizing the expenditure of funds for the payment of attorney's fees in the Sab Diego Baykeeper/Surfrider v. City.

Date: May 11, 2006

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/	EQUIP	FACILITY	AMOUNT
1	0	41506	776	455	4141	765067					\$309,924.00
TOTAL AMOUNT											\$309,924.00

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: _____

Vendor: _____

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											\$309,924.00

FUND OVERRIDE

AC-361 (REV 2-92)

Not signed because it was electronically routed. Me

JUN 12 2006

R-301520

AC 2600800

f-301519

Passed by the Council of The City of San Diego on JUN 12 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 16 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Debbie Swenson-Cruz, Deputy

Office of the City Clerk, San Diego, California
R-301519
Resolution Number _____