

205  
3/26/07

ORDINANCE NUMBER O- 19604 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 26 2007

AN ORDINANCE AMENDING ORDINANCE NO. O-19522 (NEW SERIES) ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 2006-2007 AND APPROPRIATING THE NECESSARY MONEY TO OPERATE THE CITY OF SAN DIEGO FOR SAID FISCAL YEAR," BY AUTHORIZING THE AUDITOR AND COMPTROLLER TO APPROPRIATE AND TO TRANSFER FUNDS FROM THE CITY'S GENERAL FUND UNALLOCATED RESERVE TO FUND THE FISCAL YEAR 2007 MID-YEAR BUDGET ADJUSTMENTS, APPROVING THE FISCAL YEAR 2007 MID-YEAR BUDGET ADJUSTMENTS AND ACCEPTING THE MAYOR'S REPORT ON FISCAL YEAR 2007 MID-YEAR BUDGET ADJUSTMENTS

WHEREAS, on July 31, 2006, the City Council adopted Ordinance No. O-19522

[Appropriation Ordinance]; and

WHEREAS, the funds appropriated in the Appropriation Ordinance are inadequate to fund the operations of the City through the end of Fiscal Year 2007; and

WHEREAS, an amendment to the Appropriation Ordinance is necessary to adjust the budgets of various City departments, as detailed in the Mayor's Report on Fiscal Year 2007 Mid-Year Budget Adjustments, Report No. 07-058, dated March 14, 2007, as revised March 26, 2007 [Mayor's Report]; NOW, THEREFORE,

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

Section 1. That the Mayor's Report is hereby accepted.

Section 2. That the budget adjustments requested in the Mayor's Report are hereby approved.

Section 3. That the Auditor and Comptroller is authorized to make the transfers between departments and funds and to appropriate and to transfer funds from the City's General Fund Unallocated Reserve Fund, as detailed in the Mayor's Report.

Section 4. That the Appropriation Ordinance is amended to add a new Section 15.1 as follows:

Section 15.1 The City Auditor and Comptroller is not authorized to allow expenditures to be made for any litigation where the City is the plaintiff without authorization by an affirmative vote of the City Council. Nothing in this section shall prevent the Auditor and Comptroller from acting to comply with any statute of limitations; provided, however, that the City Council ratify any such actions within 60 days.

Section 5. That a full reading of this ordinance is dispensed with prior to passage, since a written copy was made available to the City Council and the public prior to the day of its passage.

Section 6. This ordinance is declared to take effect and be in force immediately upon passage after two (2) public hearings pursuant to the authority contained in Section 71, 275, and 295 of the Charter of the City of San Diego.

Section 7. That pursuant to section 280(a)(4) of the Charter of the City of San Diego the Mayor has no veto power over this ordinance.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

[submitted unsigned – see accompanying memorandum]

By \_\_\_\_\_

BCW:ai;jdf

02/22/07

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04/20/07.REV2.Copy

Or.Dept :Financial Mgt

O-2007-105

Office of  
The City Attorney  
City of San Diego

MEMORANDUM

**DATE:** April 16, 2007  
**TO:** Elizabeth Maland, City Clerk  
**FROM:** Michael J. Aguirre, City Attorney  
**SUBJECT:** Ordinance 0-19604 Amending Fiscal Year 2007 Mid-Year Budget Adjustments

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The attached Ordinance 0-19604 is provided by the City Attorney in accordance with San Diego Charter section 40 which requires the ordinance be prepared in writing and to facilitate the processing and publishing of the ordinance by the City Clerk. However, the fact that we are providing the ordinance should not be construed as a judgment on the legality of these actions. The ordinance, which is unsigned, reflects the actions of the City Council on March 26, 2007 on item 205 as noted in the Clerk's minutes. At that meeting, the City Attorney's office informed the Council that certain amendments to this ordinance were made in violation of the Brown Act and therefore cannot be approved by this office. If you have any questions regarding this matter, please feel free to contact us.

MICHAEL J. AGUIRRE, City Attorney

By



Brant C. Will  
Deputy City Attorney

BCW:jdf  
Attachment

0-19604