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ORDINANCE NUMBER O- 19672 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 18 2007

AN ORDINANCE AMENDING ORDINANCE NO. O-19652 (NEW SERIES) ENTITLED "AN ORDINANCE ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR 2007-2008 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 UP TO \$1,980,339.60 FROM THE CITY'S GENERAL FUND UNALLOCATED RESERVE TO THE PUBLIC LIABILITY FUND TO PAY AN ARBITRATION SETTLEMENT WITH THE SAN DIEGO CHARGERS

WHEREAS, on July 30, 2007, the City Council adopted an Ordinance No. O-19652 entitled An Ordinance Adopting The Annual Budget For The Fiscal Year 2007-2008 And Appropriating The Necessary Money To Operate The City Of San Diego For Said Fiscal Year [Annual Appropriation Ordinance]; and

WHEREAS, the City and the Chargers Football Company LLC (San Diego Chargers) have settled claims brought by the San Diego Chargers for the 2002, 2003, 2004 and 2005 seasons as a result of renovations to Qualcomm Stadium in order to comply with American with Disabilities Act (42 U.S.C. §12101 et. seq.); and

WHEREAS, the settlement requires that the City pay the Chargers the sum of \$1,980,339.60, and such amount has not been budgeted in the Public Liability Fund; NOW, THEREFORE,

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

Section 1. That the Report of the City Attorney is hereby accepted.

Section 2. That the Auditor and Comptroller is authorized and directed to appropriate and to transfer up to \$1,980,339.60 from the City's General Fund Unallocated Reserved to the Public Liability Fund, and that the Auditor and Comptroller is hereby authorized and directed to pay or cause to be paid such amount to the San Diego Chargers.

Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. This ordinance is declared to take effect and be in force immediately upon its passage after two (2) public hearings pursuant to the authority contained in Sections 71, 275, and 295 of the Charter of the City of San Diego.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By




Mark D. Blake,
Chief Deputy City Attorney

MDB:bw:jdf
9/20/07
Or.Dept:City Attorney
O-2008-31

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT - 9 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10.18.07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800189

ORIGINATING

DEPT. NO.: 45

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										

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: \$1,980,339.60

Vendor: San Diego Chargers and their attorney of record Charles H. Dick, Jr and Abby B. Silverman, Baker & Mckenzie LLP

Purpose: Authorize the Auditor and Comptroller to appropriate and transfer funds from the Unallocated Reserve to the Public Liability Fund. Authorize payment from the Public Liability Fund resulting from binding arbitration settlement with the San Diego Chargers and to authorize the City Auditor/Comptroller to issue a check to above listed vendor.

Date: September 11, 2007

By: *[Signature]*
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	100			9544					\$1,980,339.60
TOTAL AMOUNT										\$1,980,339.60

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2800189

0- 19672

OCT 09 2007