

RESOLUTION NUMBER R- 303014

DATE OF FINAL PASSAGE SEP 19 2007

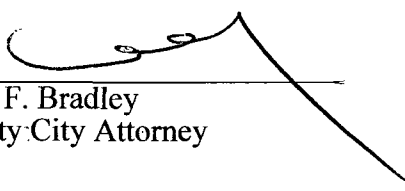
BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor of the City of San Diego be authorized to pay the sum of \$1,600,000.00 payable to Michael A. Conger, Esq. in settlement of attorney fees against the City of San Diego, its agents and employees, resulting from the Claim, *William McGuigan v. The City of San Diego*, SDSC Case No. GIC849883.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to issue the first installment in the amount of \$800,000.00 payable on August 31, 2007.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to issue two (2) additional payments in the amount of \$400,000.00 each due no later than August 31, 2008 and August 31, 2009, respectively, upon Council approving the appropriation of funding for the respective years.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to expend an amount not to exceed \$1,600,000.00 from the Public Liability Fund, solely, and exclusively for the purpose of providing funds for the above described settlement, contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstration that the funds necessary for expenditures are, or will be, on deposit in the City Treasury.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
\_\_\_\_\_  
Todd F. Bradley  
Deputy City Attorney

TFB:jep  
08/31/07  
Or.Dept:City Atty  
Aud.Cert:2800177

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 18 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 9-19-07  
(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 2800177

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: \$1,600,000.00

Vendor: Michael A. Conger

Purpose: Authorize the Mayor to pay Michael A. Conger in settlement of attorney's fees against the City, resulting from the claim, William McGuigan vs. City of San Diego. Authorize the City Auditor to issue the first installment in the amount of \$800,000 payable on 8/31/07-then issue two add'l payments of \$400,000 by 8/31/08 and 8/31/09.

Date: August 31, 2007

By: *Pam Walbert* 8/31/07  
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	81140	81140	3501	4824	81141				\$1,600,000.00
TOTAL AMOUNT										\$1,600,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2800177

*R-303014*

SEP 18 2007