

850  
1/26

(O-2010-21)

ORDINANCE NUMBER O- 19923 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 27 2010

AN ORDINANCE OF THE SAN DIEGO CITY COUNCIL  
AUTHORIZING A SECOND AMENDMENT TO THE FACILITY  
FRANCHISE AGREEMENT WITH SAN DIEGO LANDFILL  
SYSTEMS REGARDING THE TRANSPORTATION AND  
BENEFICIAL REUSE OF BIOSOLIDS.

WHEREAS, on August 11, 1999, the City and San Diego Landfill Systems entered into the Facility Franchise Agreement [Agreement] on file in the Office of the City Clerk as Document No. OO-18668, which includes provisions for the San Diego Landfill Systems to collect, transport and dispose of biosolids generated at the City's Metropolitan Biosolids Center; and

WHEREAS, on March 8, 2005, the City and San Diego Landfill Systems entered into the First Amendment to the Agreement, on file in the Office of the City Clerk as Document No. OO-19355, which extended San Diego Landfill Systems' right and obligation to collect and transport biosolids until March 1, 2010, and added the requirement that San Diego Landfill Systems beneficially use all the biosolids collected; and

WHEREAS, the City and San Diego Landfill Systems desire to extend the Agreement another five years, until March 1, 2015, and to add the City's living wage requirements to the Agreement; NOW, THEREFORE,

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

Section 1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, an amendment to the Facility Franchise Agreement with San Diego Landfill Systems

under the terms and conditions set forth in the Second Amendment, on file with the City Clerk as Document No. OO- **19923**.

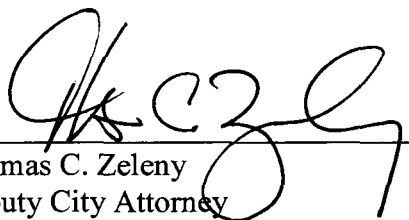
Section 2. That the expenditure of an amount not to exceed \$1,725,000 from the Public Utilities Department, Wastewater Fund No. 700001 is authorized, solely and exclusively to provide funds in Fiscal Year 2010 for the Second Amendment.

Section 3. That the expenditure necessary for the Second Amendment in subsequent fiscal years is authorized contingent on City Council approval of such funding in the Public Utilities Department budget in the respective fiscal years, and provided that the City Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Section 4. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the City Council and the public prior to the day of passage.

Section 5. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

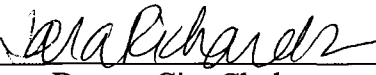
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Thomas C. Zeleny  
Deputy City Attorney

TCZ:mb  
12/08/09  
Cert.No:3000002636  
Or.Dept:MWWD  
O-2010-21

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego,  
at its meeting of JAN 26 2010.

ELIZABETH S. MALAND, City Clerk

By   
Deputy City Clerk

Approved: 1-27-10  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

**The City of San Diego  
COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000002636  
DEPT NO \_\_\_\_\_

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: \_\_\_\_\_

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original 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: \$1,725,000.00

Vendor: San Diego Landfill Systems, Inc.

Purpose: To fund the Facility Franchise Agreement between the City and San Diego Landfill Systems, Inc. Second Amendment.

Date: September 9, 2009 By: Gary Young

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	700001			OTHR-00000000-PR	512059	2012	1914000014		\$1,725,000.00
TOTAL AMOUNT									\$1,725,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000002636

0- **19923**

JAN 26 2010