

(R-87-710)

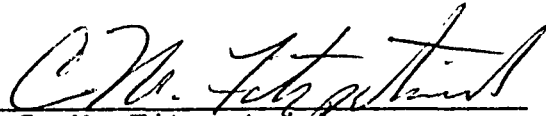
RESOLUTION NUMBER R- 266758

ADOPTED ON OCT 13 1986

BE IT RESOLVED, by the Council of The City of San Diego, that Resolution No. 263769 of July 29, 1985 be and it is hereby amended to provide that upon receipt of Mr. Murray's written resignation and release of claims, City shall pay Mr. Murray as set forth in Enclosure (1), attached hereto and by this reference made a part hereof.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to transfer the sum of \$79,000 to the City Manager's budget for purposes of meeting the obligations of the agreement.

APPROVED: JOHN W. WITT, City Attorney

By 
C. M. Fitzpatrick
Assistant City Attorney

CMF:js:013
10/13/86
Aud.Cert:8700347
Or.Dept:Mayor
R-87-710
Form=r.none

CURTIS M. FITZPATRICK
ASSISTANT CITY ATTORNEY
RONALD L. JOHNSON
SENIOR CHIEF DEPUTY CITY ATTORNEY

OFFICE OF
THE CITY ATTORNEY
CITY OF SAN DIEGO

JOHN W. WITT
CITY ATTORNEY

CITY ADMINISTRATION BUILDING
SAN DIEGO, CALIFORNIA 92101-3863
(619) 236-6220

October 13, 1986


Sylvester Murray
City Manager
202 C Street
San Diego, CA 92101

Dear Sy:

The attached resolution is self-explanatory. If you concur, please execute this letter as indicated below; return it to me and retain the copy for your files.

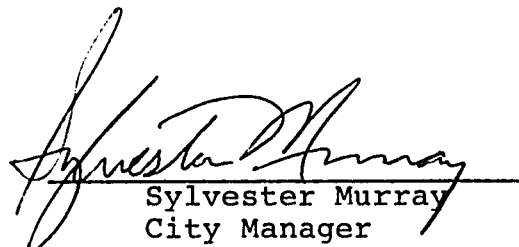
Sincerely yours,

JOHN W. WITT, City Attorney

By 
C. M. Fitzpatrick
Assistant City Attorney

CMF:js:013
Attachment

Subject to the adoption by the City Council on October 13, 1986 of the form of Resolution attached hereto, I hereby resign my position as City Manager of this City of San Diego effective at 2:00 P.M. on Monday, October 13, 1986 and conditioned upon the timely performance by City of all provisions thereof, I release the City of any and all claims I may have against it.


Sylvester Murray
City Manager

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ENCLOSURE (1)

00183

1. Mr. Murray is hereby placed on official terminal leave from 2 PM, October 13, 1986 until 5:00 PM, January 15, 1987 and paid in accordance with his present salary scale including all other present and usual terminal leave benefits to be paid by biweekly checks (with his present automobile and expense allowance to be discontinued commencing at 2 PM, October 13, 1986).

2. On January 30, 1987, City will pay Mr. Murray the usual and normal employee termination payments such as Supplemental Pension Savings Plan, leave and accrued benefits earned. Leave accrued as of the date of resignation will not be reduced during terminal leave and will be paid with this final payment.

3. On January 30, 1987 Mr. Murray will be paid a severance amount to be computed as follows:

- A. An amount equal to 13 pay periods biweekly present salary; plus
- B. An amount equal to 13 pay periods ICMA present deferred compensation - (paid directly to ICMA); plus
- C. An amount equal to 13 pay periods of Management Benefits Plan and Flexible Benefits Plan premiums for any existing insurance coverage to be paid directly to the appropriate insurance carrier on Mr. Murray's account.
- D. An amount equal to 13 pay periods of any Management Benefits Plan or Flexible Benefits Plan allocations not

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00184

paid to or utilized by Mr. Murray by January 15, 1987 for cash benefit or Dental/Vision reimbursements.

- E. An amount equal to 40% of 13 pay periods of the City's present matching contribution to his Supplemental Pension Savings Plan, plus 20% of the accumulated City's matching contribution as of January 15, 1987.

To the extent provided by law any and all benefits set forth herein may be payable to Mr. Murray's heirs and assigns; and shall be payable in all events whether Mr. Murray obtains other employment prior to January 30, 1987; and to the extent allowed by law shall be paid to Mr. Murray irrespective of the passage of Proposition 61 in the November 4, 1986, election.



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00185

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8700347

ORIGINATING DEPT. NO.: 040

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 \$ 79,000.00 Fund 040

Purpose Authorizing the transfer of funds from the General Fund Unallocated Reserve (Fund 100, Dept. 605) to the City Manager's Department (Fund 100, Dept. 040) for an agreement specifying the conditions of termination for the City Manager including severance pay.

Date October 13, 19 86

By: Lillian Magaña
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			605	100	4903	060531				\$79,000.00
TOTAL AMOUNT										\$79,000.00

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 moneys 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 _____

Purpose _____

Date _____, 19 _____

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

8/2/86

Passed and adopted by the Council of The City of San Diego on OCT 13 1986,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR,
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

(Seal)



By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-266758</u>	Adopted <u>OCT 13 1986</u>