

RESOLUTION NUMBER R- **284258**
ADOPTED ON JUL 11 1994

WHEREAS, in Closed Session on June 21, 1994, the City Council, by the following vote: Yeas, Districts 1, 3, 5, 6 and 7, Nays, None, Not Present, Districts 2, 4, 8 and the Mayor, approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$53,000.00 in the settlement of each and every claim and counterclaim against The City of San Diego, its agents and employees, Superior Court Case No. 666944, Kilgallon Construction Company, Inc. v. City of San Diego, et al. relating to the contract with Kilgallon Construction Company, Inc. for the construction of the Alvarado Filtration Plant - Training Facility, CIP 46-123.0.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to (1) transfer \$50,000.00 from the Alvarado Filtration Plant Joint Laboratory, CIP 46-124.0, to Alvarado Filtration Training Facility, CIP 46-123.0; (2) expend \$38,000.00 from the Alvarado Filtration Plant Training Facility, CIP 46-123.0, for the purpose of executing the

above settlement; and (3) issue one check in the amount of \$53,000.00, made payable to Kilgallon Construction Company, Inc. and its attorney of record, David A. Perkins, in full settlement of the lawsuit and of all claims and counterclaims.

APPROVED: John W. Witt, City Attorney

By *Deborah A. Hollingsworth*
Deborah A. Hollingsworth
Deputy City Attorney

DAH:eh:Lit.
06/24/94
Aud.Cert:9500011
Or.Dept:W.Util.
R-94-2017

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9500011

ORIGINATING DEPT. NO.: 700

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 \$ 38,000.00

Vendor Kilgallon Construction Company Inc.

Purpose Authorizing the expenditure of funds for settlement of litigation for Construction of Alvarado Filtration Plant Training Facility.

Date June 22, 1994

By: 
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	40012	700	384	4220	170283		41506		\$38,000.00
TOTAL AMOUNT										\$38,000.00

FUND OVERRIDE

AC 9500011

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