

RESOLUTION NUMBER R- 287031

ADOPTED ON MAR 18 1996

WHEREAS, in Closed Session on February 6, 1996, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 and 8, Not Present, Mayor Susan Golding, 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 \$740,000 in the settlement of each and every claim against The City of San Diego, its agents and employees, related to Mingus Constructors, Inc. v. City of San Diego Water Utilities Department, et al., Case No. 95-1551 BTM (AJB), filed in the United States District Court, pursuant to the terms and conditions set forth in the Settlement Agreement thereof ("Settlement Agreement").

BE IT FURTHER RESOLVED, that upon full execution of the Settlement Agreement, the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$740,000, made payable to Mingus Constructors, Inc., and its attorney of record, Guy Bluff, Esq., in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 40012, and that the City Auditor and Comptroller be and he is hereby authorized to transfer an amount not to exceed \$290,000 from the Water Operating Fund 41500, Unallocated

Reserve, program element 70679 to the Dulzura Renovation Project
CIP 73252.0.

APPROVED: JOHN W. WITT, City Attorney

By


Deborah L. Berger
Deputy City Attorney

DLB:cdk
02/21/96
Aud.Cert: 9600895
Or.Dept:R.M.
R-96-901
Form=r.claim1

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9600895

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 \$ 740,000.00

Vendor Mingus Construction

Purpose Authorizing the expenditure of funds for the settlement of a property damage claim; authorizing the transfer of \$290,000 from the Water Operating Fund Unallocated Reserve to the Dulzura Renovation Project, CIP No. 73-252.0.

Date February 21, 1996 By: Michael S. Quinn

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
01	0	40012	700	385	4279	180176		41500		\$450,000.00
02	0	40012	700	249	4903	070679		41500		290,000.00
TOTAL AMOUNT										\$740,000.00

FUND OVERRIDE

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AC 9600895