

RESOLUTION NUMBER R- 291110

ADOPTED ON DEC 08 1998

WHEREAS, in Closed Session on December 8, 1998, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 and 8, and Mayor; Nays, 0; Not Present,0; approved the following; NOW, THEREFORE,

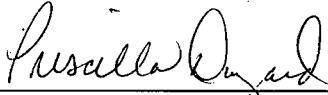
BE IT RESOLVED, by the Council of The City of San Diego, that the City Auditor and Comptroller is authorized to advance to San Diego Data Processing Corporation [SDDPC] the sum of \$2,100,000 from Fund 41302 for purposes of payment of an award in *quantum meruit* and attorneys' fees in the matter of binding arbitration between SDDPC and Serion International.

BE IT FURTHER RESOLVED, that the City Manager and City Attorney are directed to seek recovery from SDDPC based upon its action and inaction in its rendering of services to the City regarding the contract with Serion International and to pursue recovery from all appropriate sources, including any applicable insurance.

BE IT FURTHER RESOLVED, that the City Attorney and City Manager are directed to review the Operating Agreement between the City and SDDPC and to make recommendations to the City Council for changes to the Agreement to protect the City from any such awards in the future and to ensure full participation by the City in any claims made by or against SDDPC

which may adversely affect the City.

APPROVED: CASEY GWINN, City Attorney

By 

Prescilla Dugard
Deputy City Attorney

PD:cdk

12/20/98

Aud.Cert:9900641

Or.Dept:Dev.Svcs.

R-99-731

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


CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 9900641
DEPT. NO.: 1300

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 \$2,100,000.00 Fund 41302

Purpose Authorizing the appropriation and expenditure of funds to San Diego Data Processing Corporation for payment of an arbitration award to Serion, International.

Date December 8, 1998 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		41302			9544					\$2,100,000.00
TOTAL AMOUNT										\$2,100,000.00

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 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 \$ _____

Vendor _____

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										

AC-361 (REV 2-92)

FUND OVERRIDE

R-291110

DEC 08 1998

AC 9900641