

RESOLUTION NUMBER R- 296046

ADOPTED ON FEB 05 2002

WHEREAS, in Closed Session on January 22, 2002, the City Council, by a unanimous vote, 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 \$2,800,000 in the settlement of each and every claim of Golden Turner against the City of San Diego, its agents and employees, resulting from damages regarding the Convention Center Expansion project and that Golden Turner agrees to indemnify and defend the City from any and all claims or costs related to Golden Turner's work on the Convention Center Expansion project.

BE IT FURTHER RESOLVED, by the Council, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a final settlement agreement with Golden Turner in the amount of \$2,800,000, on file in the office of the City Clerk as Document No. RR- 296046.

BE IT FURTHER RESOLVED, that the Council hereby accepts and authorizes the increased appropriation of \$900,000 from Convention Center Expansion Fund No. 102212 and \$1,225,016 from Public Liability Reserve Fund No. 81140 to Convention Center Expansion CIP No. 370100.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$2,800,000 from Convention Center Expansion CIP No. 370100 for the payment of the final settlement agreement with Golden Turner, is hereby Authorized provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for such expenditures are, or will be, on deposit in the City Treasury.

APPROVED: CASEY GWINN, City Attorney

By 
Deborah L. Berger
Deputy City Attorney

DB:km:jc
1/28/02
Aud.Cert: 2200756
Or.Dept:RiskMgmt.
R-2002-1026
Form=claimr.frm

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2200756
ORIGINATING DEPT. NO.: 038

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 2,800,000.00 Fund 102212/81140/91201

Purpose Appropriation of Supplemental funding for final cost settlement with Golden Turner for Convention Center Expansion

Date January 25, 2002 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	102212			9544					\$900,000.00
002	0	81140			9544					1,225,016.00
003	0	91201	91201	500	4279	000087				674,984.00
TOTAL AMOUNT										\$2,800,000.00

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 \$ 2,800,000.00

Vendor Golden Turner

Purpose Convention Center Expansion final construction contract settlement

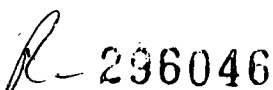
Date January 25, 2002 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
004	0	91201	91201	200	4222	000031				\$2,800,000.00
TOTAL AMOUNT										\$2,800,000.00

FUND OVERRIDE

 296046

FEB 05 2002

AC 2200756