

(R-2002-1253)

RESOLUTION NUMBER R- 296214

ADOPTED ON MAR 19 2002

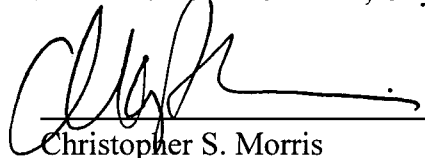
WHEREAS, in Closed Session on March 19, 2002, the City Council by the following vote: Yeas, Districts 1,2,3,4,5,6, and the Mayor: Nays, none; Not Present, District 7; approved the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 741059, *APC-T&K Joint Venture v. City of San Diego*, resulting from unforeseeable conditions encountered by the contractor.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to transfer \$766,988 within Fund No. 41509, from CIP 42-915.0 NCWRP Permanent Demineralization Facility - Phase 1 to CIP 42-911.4 Metro Biosolids Center to fund this action

BE IT FURTHER RESOLVED, that the expenditure of \$766,988 from Fund No. 41509, CIP 42-911.4 Metro Biosolids Center, is hereby authorized solely and exclusively to fund this action.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$766,988, made payable to APC-T&K, Joint Venture Constructors in full settlement of all claims.

APPROVED: CASEY GWINN, City Attorney

By   
Christopher S. Morris  
Deputy City Attorney

CSM:lb  
March 20, 2002  
Aud.Cert:2200907  
Or.Dept: Metropolitan Wastewater  
R-2002-1253

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: AC 2200907  
779

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 766,988.00 Fund 41509

Purpose Authorizing the transfer of funds from 429150 to 429114 for the settlement of claims for APC-T&K, Joint Venture.

Date March 12, 2002 By: *Lu Ann Jones Santor*  
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	41509	779		4278	199100				\$766,988.00
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 \$ 766,988.00

Vendor APC - T & K, Joint Venture

Purpose Authorizing the expenditure of funds for the settlement of the claim for APC - T&K, Joint Venture.

Date March 12, 2002 By: *Lu Ann Jones Santor*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

CIVIL DIVISION  
 2 MAR 14 AM 1:18  
 CIVIL ATTORNEY

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	41509	779		4278	198800				\$766,988.00
TOTAL AMOUNT										\$1,533,976.00

FUND OVERRIDE