

(R-2003-1414)

RESOLUTION NUMBER R- 298118

ADOPTED ON JUN 24 2003

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized and empowered to pay the sum of \$250,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIC 732583-1, entitled *The Daley Group v. City of San Diego*.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to issue one check in the amount of \$250,000, made payable to "MARKS & GOLIA LLP Client Trust Account", 3900 Harney Street, First Floor, San Diego, California, 92110, in full settlement of said claims.

APPROVED: CASEY GWINN, City Attorney

By   
Leslie A. FitzGerald  
Deputy City Attorney

ASM:ccm  
5/22/03  
Aud.Cert:2301185  
Or.Dept:Risk  
R-2003-1414  
Form=claim2r.frm

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2301185

ORIGINATING

DEPT. NO.: 81140

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: \$250,000.00

Vendor: Marks and Golia, LLP Client Trust Account

Purpose: Authorizing the expenditure for the settlement of each and every claim against the City, its agents and employees, resulting from the property damage to The Daley Group.

Date: May 21, 2003 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	81140	81140	3423	4824	81141				\$62,500.00
002	0	41506	773	160	4824	1624				\$187,500.00
TOTAL AMOUNT										\$250,000.00

FUND OVERRIDE

AC 2301185

*R* - 298118

JUN 24 2003