

RESOLUTION NUMBER R- 299684

ADOPTED ON SEP 27 2004

BE IT RESOLVED, that the Council of the City of San Diego hereby authorizes acceptance of \$200,000 in full settlement of the City's lawsuit against DMG Maximus, Inc., regarding the design of the City of San Diego Water Department's Central Facility;

BE IT FURTHER RESOLVED, that an increase in appropriation for Fiscal Year 2005 to Water Fund 41500, CIP 73-338.0/73-338.1, Water Department Central Facility in the amount of \$200,000 is hereby authorized, said increase to be funded exclusively by the above-referenced settlement.

APPROVED: CASEY GWINN, City Attorney

By

  
\_\_\_\_\_  
Michael R. McGuinness  
Deputy City Attorney

MRM:kat  
08/24/04  
Or.Dept:Water  
R-2005-207

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

AC 2500256  
DEPT. \_\_\_\_\_  
NO. 760

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: \$200,000.00 Fund: 41500

Purpose: Accept funds as a settlement for the lawsuit against DMG Maximus, Inc, and increase the appropriation for FY05 to Water Department Central Facility CIP 73-338.0.

Date: September 13, 2004 By: *Emusan*  
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	41500	760	391020	4278	184270				\$200,000.00
TOTAL AMOUNT										\$200,000.00

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										\$200,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2500256

*R-299684*

SEP 27 2004