

RESOLUTION NUMBER R-**299751**

ADOPTED ON OCT 11 2004

A RESOLUTION AUTHORIZING THE EXPENDITURE OF THE
COXCOM, INC. TECHNOLOGY CAPITAL GRANT FUND
AS SPECIFIED IN ORDINANCE O-19058

WHEREAS, the City of San Diego [City] has by Ordinance No. O-12543 [Cable Franchise] granted to Mission Cable TV, Inc. the non-exclusive right, privilege and franchise to lay and use lines, wires, coaxial cable and appurtenances for transmitting, distributing and supplying radio and cable television service along, across and upon public streets, ways, alleys and places within certain areas of the City; and

WHEREAS, the City has by Ordinance No. O-15085 consented to the transfer of the Cable Franchise to Cox Communications San Diego, Inc.; and

WHEREAS, Cox Communications San Diego, Inc. has merged into CoxCom, Inc.[CoxCom]; and

WHEREAS, the City and CoxCom amended some of the terms of the Cable Franchise as set forth in Ordinance No. O-19058; and

WHEREAS, under Section 5 of Ordinance No. O-19058, CoxCom is required to provide the City two payments of one million five hundred thousand dollars (\$1,500,000) on the effective date of Ordinance No. O-19058, and one million five hundred thousand dollars (\$1,500,000) on the first anniversary of the effective date of Ordinance No. O-19058 to be utilized for the purchase and/or installation of telecommunication capital improvements, equipment and services or to otherwise enable the City to meet the cable-related needs and interest of the City; and

WHEREAS, on the effective date of Ordinance No. O-19058, the City received the initial payment of one million five hundred thousand dollars (\$1,500,000) for the CoxCom Technology Capital Grant fund as required in Ordinance No. O-19058; and

WHEREAS, on November 25, 2002, City Council authorized the expenditure of initial payment of one million five hundred thousand dollars (\$1,500,000) under Resolution Number R-297380; and

WHEREAS, on the first anniversary of the effective date of Ordinance No. O-19058, the City received the second and final payment of one million five hundred thousand dollars (\$1,500,000) for the CoxCom Technology Capital Grant fund as required in Ordinance No. O-19058; and

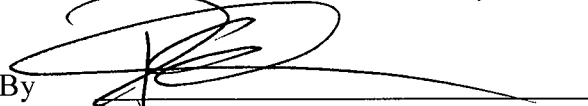
WHEREAS, City Council authorization is necessary for the expenditure of these funds within the CoxCom Technology Capital Grant Fund; NOW, THEREFORE,

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 execute, for and on behalf of said City, agreements for the purchase and/or installation of telecommunication capital improvements, equipment and services or to otherwise enable the City to meet the cable-related needs and interest of the City.

BE IT FURTHER RESOLVED, that the City Manager be and hereby is authorized to make expenditures in an amount not to exceed one million five hundred thousand dollars (\$1,500,000) from the CoxCom Technology Capital Grant Fund, provided that the City Auditor

first furnishes one or more certificates demonstrating that the funds necessary for such expenditure under established fund are on deposit in the City Treasury.

APPROVED: CASEY GWINN, City Attorney

By 
Paul G. Edmonson
Deputy City Attorney

PGE:smf
09/24/04
Or.Dept: IT&C
R-2005-358
Aud.Cert.:2500276
Form=auagr.frm

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2500276

ORIGINATING

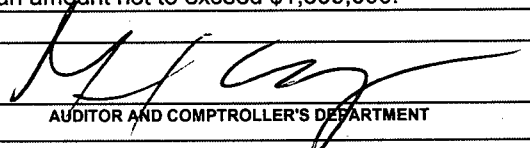
DEPT. NO.: 10263

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: \$1,500,000.00 Fund: 10263

Purpose: Authorizing the expenditure of the second grant received from Cox-Com Inc for the purchase and installation of telecommunications capital improvements, equipment and services, in an amount not to exceed \$1,500,000.

Date: September 21, 2004

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	10263	10263		6010	10263				\$1,500,000.00
TOTAL AMOUNT										\$1,500,000.00

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										

FUND OVERRIDE

AC 2500276

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