

ORDINANCE NUMBER O- 15798 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 13 2008

AN ORDINANCE OF THE CITY COUNCIL AUTHORIZING AMENDMENT NO. 3 TO THE COMNET MAINTENANCE SERVICE AGREEMENT WITH EMERSON PROCESS MANAGEMENT, INC. AND TAKING RELATED ACTIONS.

BE IT ORDAINED, by the Council of the City of San Diego as follows:

1. That Amendment No. 3 to the COMNET Maintenance Service Agreement with Emerson Process Management, Inc. under the terms and conditions on file in the office of the City Clerk as Document Number O - 15798 [Amendment No. 3] is approved and the Mayor or his designee is authorized to execute Amendment No. 3.

2. That the expenditure of a total amount not to exceed \$10,827,036 from the operating budget of the Sewer Fund is authorized for Amendment No. 3 as follows:

Phase 8: an amount not to exceed \$947,476 including \$723,552 from Fund No. 41508 and \$223,924 from Fund No. 41506, provided that the City Auditor first furnishes a certificate stating that funds necessary for expenditure are, or will be on deposit with the City Treasurer.

Phase 9: \$2,086,704 from FY 2010 appropriations, contingent upon approval of the FY 2010 Appropriation Ordinance and provided that the City Auditor first furnishes a certificate stating that funds necessary for expenditure are, or will be on deposit with the City Treasurer.

Phase 10: \$2,146,294 from FY 2011 appropriations, contingent upon approval of the FY 2011 Appropriation Ordinance and provided that the City Auditor first furnishes a certificate stating that funds necessary for expenditure are, or will be on deposit with the City Treasurer.

Phase 11: \$2,207,671 from FY 2012 appropriations, contingent upon approval of the FY 2010 Appropriation Ordinance and provided that the City Auditor first furnishes a certificate stating

that funds necessary for expenditure are, or will be on deposit with the City Treasurer.

Phase 12: \$2,270,889 from FY 2013 appropriations, contingent upon approval of the FY 2010 Appropriation Ordinance and provided that the City Auditor first furnishes a certificate stating that funds necessary for expenditure are, or will be on deposit with the City Treasurer.

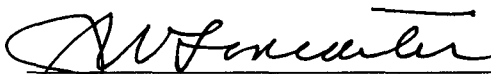
Phase 13: \$1,168,002 from FY 2014 appropriations, contingent upon approval of the FY 2010 Appropriation Ordinance and provided that the City Auditor first furnishes a certificate stating that funds necessary for expenditure are, or will be on deposit with the City Treasurer.

3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

4. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

5. That the above activity exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15301(b) and the activity is not a project and therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3) and 15378.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
James W. Lancaster
Deputy City Attorney

JWL:ca
8/11/08
Aud.Cert: AC 2900115
Or.Dept:MWWD
MWD-8108
O-2009-15

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 28 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11.13.08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2900115
DEPT. NO.: 771/775/773

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: _____

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: \$947,476.00

Vendor: Emerson Process Management, Inc.

Purpose: Authorizing the Mayor or his designee to approve Ammendment No. 3 to the Phase Funded Agreement with Emerson Process Management, Inc. for an amount not to exceed \$10,827,036 over a five year period for the continuing maintenance services on the COMNET system.

Date: August 7, 2008 By: Norman Reyes 

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
001	0	41508	771	610	4222	002610					\$723,552.00
002	0	41506	775	690	4222	002690					173,732.00
003	0	41506	773	710	4222	007700					50,192.00
TOTAL											\$947,476.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2900115

OCT 28 2008

0-15750