

101  
3/8/11

RESOLUTION NUMBER R- 306659

DATE OF FINAL PASSAGE MAR 11 2011

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING A SECOND AMENDMENT TO THE LEASE AGREEMENT WITH HAWTHORNE MACHINERY COMPANY FOR HEAVY DUTY TRACTOR BULLDOZERS; AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR SUCH AMENDMENT.

WHEREAS, on May 25, 2010, by Resolution No. R-305868, the City Council approved an Agreement with Hawthorne Machinery Company for the lease of heavy duty tractor bulldozers for daily operations at the Miramar Landfill [Agreement], retroactive to March 15, 2009 through July 14, 2010; and

WHEREAS, on July 13, 2010, by Resolution No. R-305979, the City Council approved the First Amendment to the Agreement, authorizing an extension of the term of the Agreement beginning July 15, 2010 through March 14, 2011, with options to renew for three additional one-year periods, with options subject to City Council approval; and

WHEREAS, the City wishes to exercise the first option to renew the Agreement for an additional one-year period; NOW, THEREFORE,

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

1. That the Mayor or his designee is authorized to execute, for and on behalf of the City, a second amendment to the Agreement with Hawthorne Machinery Company, for the lease of heavy duty tractor bulldozers with full maintenance, extending the term of the Agreement for one additional year, beginning March 15, 2011 through March 14, 2012, with options to renew for up to two additional one-year periods subject to City Council approval, all in accordance with

the terms and conditions set forth in the Second Amendment to the Agreement, on file with the City Clerk as Document No. RR- 306659.

2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$1,625,000 from Refuse Disposal Fund No. 700039, solely and exclusively to provide funds for the Second Amendment to the Agreement, contingent on passage of the Annual Appropriations Ordinance for the applicable fiscal year and provided that the City Comptroller first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Grace C. Lowenberg  
Grace C. Lowenberg  
Deputy City Attorney

GCL:mb  
02/08/11  
C.Cert:3000003935  
Or.Dept:ESD

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at its meeting of MAR - 8 2011.

ELIZABETH S. MALAND, City Clerk

By [Signature]  
Deputy City Clerk

Approved: 3-11-11  
(date)

[Signature]  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

CC 300003935  
 ORIGINATING BUSINESS AREA: 2115

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: Rob Ruscitto

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
									\$0.00
TOTAL AMOUNT									\$0.00

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: \$1,625,000.00

Vendor: Hawthorne Machinery Company

Purpose: Authorize execution of an Amendment to the contract for the lease of heavy duty tractor bulldozers with full maintenance at the Miramar Landfill.

Date: \_\_\_\_\_ By: Rob Ruscitto *RR*

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	700039			OTHR-00000000-PR	512036		2115121101		\$1,625,000.00
TOTAL AMOUNT									\$1,625,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 300003935

*R* - 306659

MAR 08 2011