

RESOLUTION NUMBER R- 311643

DATE OF FINAL PASSAGE APR 24 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING PARTIAL PAYMENT OF PRE-JUDGMENT INTEREST AND POST-JUDGMENT INTEREST FOLLOWING AN AWARD OF PRE-JUDGMENT INTEREST IN THE CASE ENTITLED TRI-GROUP CONSTRUCTION AND DEVELOPMENT, INC. V. CITY OF SAN DIEGO, CASE NO. 37-2015-00023487-CU-CO-CTL.

WHEREAS, following a mixed jury verdict, on February 9, 2018, the trial court entered a Minute Order awarding pre-judgment interest to Tri-Group Construction and Development, Inc. in the amount of \$120,346.61 with post-judgment interest payable at seven percent per annum retroactive to December 8, 2017, based upon a cause of action arising out of a contract; and

WHEREAS, the City Council of the City of San Diego in Closed Session on March 6, 2018, authorized the filing of a Notice of Appeal in order to challenge the start date for the calculation of pre-judgment interest and principal amount used for the calculation and to make a partial payment of the pre-judgment interest and post judgment interest in order to mitigate the accrual of continued post-judgment interest by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None; and Absent, None, for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

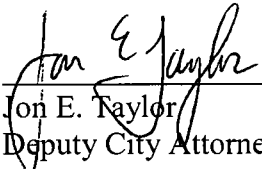
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council authorizes:

1. A resolution authorizing the Mayor or his designee to pay the sum of \$80,115.41 from the Public Liability Fund No. 720045, in partial payment of post-judgment amounts owed and or awarded to Tri-Group.

2. Authorizes the Chief Financial Officer to appropriate and expend \$80,115.41 from the Public Liability Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. Authorizes the Comptroller to issue a check in the amount of \$80,115.41 made payable to Gladych & Associates, Inc.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Jon E. Taylor
Deputy City Attorney


JET:sb
March 23, 2018
Or. Dept: Risk Management
CC No. 3000010926
Doc. No.: 1706087

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 10 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/19/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000010926
DEPT. NO. 1211

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: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original 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: _____ \$80,115.41

Vendor: Gladych & Associates, Inc.

Purpose: Authorizing the expenditure of funds for partial payment on pre-judgement interest and post-judgement interest in the case of Tri-Group Construction and Development, Risk Mgmt Claim No. 10514.

Date: March 14, 2018 By: Lina Chim
COMPTROLLER'S DEPARTMENT

on behalf of Lina Chim
Jonathan Acuña

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	720045			OTHR-00000000-GG	512007	1515	1515000011		\$80,115.41
TOTAL AMOUNT									\$80,115.41

FUND OVERRIDE

CC 3000010926

Passed by the Council of The City of San Diego on APR 10 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 24 2018


(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy
for Linda Irvin

Office of the City Clerk, San Diego, California

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