

109
11/10/2020

(R-2021-159)

RESOLUTION NUMBER R- 313296

DATE OF FINAL PASSAGE NOV 17 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN PLAINTIFFS-PETITIONERS, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, SAN DIEGO CHAPTER, INC., ASSOCIATED GENERAL CONTRACTORS OF AMERICA, SAN DIEGO CHAPTER, INC., APPRENTICESHIP AND TRAINING TRUST FUND, AND THE CITY OF SAN DIEGO.

WHEREAS, on May 23, 2019, Plaintiffs-Petitioners, Associated General Contractors of America, San Diego Chapter, Inc., and Associated General Contractors of America, San Diego Chapter, Inc., Apprenticeship and Training Trust Fund (collectively "AGC"), filed suit against the City of San Diego challenging the 2019 bid specifications for the North City Pure Water Facility project. Specifically, AGC alleged the City's requirement that apprentices used on the project be registered in a Joint Labor Management Apprenticeship Program violated San Diego Municipal Code section 22.4402. The suit is entitled *Associated General Contractors of America, San Diego Chapter, Inc. et al. v. City of San Diego et al.*, San Diego Superior Court Case No. 37-2019-00026631-CU-WM-CTL (hereafter "AGC's action"); and

WHEREAS, in closed session on September 29, 2020, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 8, and 9; Nays, 7; Absent, none, approved the Settlement of AGC's action for an amount consistent with the amount set forth below and pursuant to such other terms more fully set forth in a settlement agreement; NOW, THEREFORE,

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

1. Authorizes the Mayor or his designee to pay the sum of \$200,000.00 from Water Fund No. 700011, in settlement of each and every claim to costs and fees of any type, including attorneys' fees, against the City of San Diego, its agents and employees, arising from *Associated*

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. 3000013553
NO: 2000

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: \$200,000.00

Vendor: Associated General Contractors of America, San Diego Chapter, Inc.

Purpose: Settlement of Associated General Contractors of America, San Diego Chapter, Inc et. al v. City of San Diego et. Al., Superior Court Case No. 37-2019-00026631-CU-WM-CTL Risk File No. 22593

Date: October 13, 2020 By: Jessica Tran (reviewed & signed)
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	700011			OTHR-00000000-WU	512007	2000	2000211101		\$200,000.00
TOTAL AMOUNT									\$200,000.00

Passed by the Council of The City of San Diego on NOV 10 2020, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 17 2020.

(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:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313296