

107

5/8

(R-2007-908)

RESOLUTION NUMBER R- 302594

DATE OF FINAL PASSAGE MAY 14 2007

A RESOLUTION OF THE CITY OF SAN DIEGO  
AUTHORIZING SETTLEMENT OF THE PROPERTY  
DAMAGE MATTER CLAIM OF BRUNO ETCHEPARE  
V. CITY OF SAN DIEGO IN THE SUM OF \$100,000

WHEREAS on January 6, 2006, Bruno Etchepare filed suit against the City of San Diego [City] alleging property damage arising from a failed storm drain. Plaintiff brought suit in the San Diego Superior Court. The suit is styled *Bruno Etchepare v. City of San Diego*, Case No GIC 859369 [Litigation]; and

WHEREAS the City in closed session on March 19, 2007, authorized settlement of the Litigation for an amount consistent with the amounts set forth below, NOW THEREFORE,

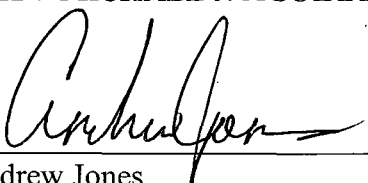
BE IT RESOLVED by the Council of the City of San Diego that the Council authorizes:

1. The Mayor to pay the sum of \$100,000 in settlement of each and every claim against the City, its agents and employees, resulting from the Property Damage Claim of Bruno Etchepare.

2. The City Auditor and Comptroller to issue a check in the amount of \$100,000 payable to Bruno Etchepare and his attorney of record, Peter M. Polischuk, Esq.

3. The City Auditor and Comptroller to appropriate and transfer funds of \$100,000 from the General Fund unallocated reserves to the Public Liability Fund 81140.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Andrew Jones  
Deputy City Attorney

AJ:slc  
04/20/07  
Aud.Cert: 2700698  
Or.Dept :Risk Management  
R-2007-908

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 08 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5-14-07  
(date)

  
JERRY SANDERS, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2700698

ORIGINATING

DEPT. NO.: 84

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: \_\_\_\_\_

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

**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: \$100,000.00

Vendor: Bruno Etchepare

Purpose: Authorizing the expenditure (and appropriation and transfer of funds from the General Fund to the Public Liability Fund) for the settlement of claims against the City, its agents and employees, resulting from the Property Damage Claim of Bruno Etchepare.

Date: April 18, 2007

By:  4/18/07  
 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	100			9544					\$100,000.00
TOTAL AMOUNT										\$100,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2700698

*R.* **302594**

**MAY 08 2007**