

RESOLUTION NUMBER 303299

DATE OF FINAL PASSAGE JAN 18 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY'S PAYMENT OF THE REMAINING AMOUNT IN ITS SELF INSURED RETAINED LIMIT TO CSAC EIA IN THE DEFENSE OF *LA JOLLA ALTA MASTER COUNCIL V. CITY OF SAN DIEGO*

WHEREAS, the City's excess carrier insurers CSAC EIA has withdrawn their reservations of rights and accepted the City's tender of defense and duty to indemnify the City up to the policy limits in connection with the defense of the litigation entitled *La Jolla Alta Master Council v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC822281; and


WHEREAS, in exchange for the City's excess carrier insurers CSAC EIA to withdraw its reservations of rights and accept the City's tender of defense and duty to indemnify the City up to the policy limits, the City has agreed to pay CSAC EIA the remaining retained limit of \$952,586 which represents the difference between \$2 million and what has already been paid or incurred as charges for the defense of the underlying claim and litigation; and

WHEREAS, in the Closed Session Meeting of May 8, 2007, in the matter of *La Jolla Alta Master Council v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC822281, the City Council voted 8 to 0 to authorize the City Attorney's Office to enter into an agreement with CSAC EIA wherein the carriers accept the tender of the City's defense, without any reservation of rights, and pay any judgment and attorney's fee award that results from the lawsuit, in consideration for the City's payment of the remaining retained limit of \$952,586. The motion was made by Council President Pro Tem Young with a second by Councilmember Atkins.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of San Diego, that the City Attorney be and he is hereby fully authorized to enter into an agreement with CSAC EIA wherein the carriers accept the tender of the City's defense, without any reservation of rights, and pay any judgment and attorney's fee award that results from the lawsuit, in consideration for the City's payment of the remaining retained limit of \$952,586.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller be and he is hereby authorized to transfer within the Public Liability Fund the sum of \$952,586 to provide funds for the above agreement with CSAC EIA, and expend said funds as requested.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Jane M. Boardman
Deputy City Attorney

JMB:hm
11/07/07
Aud.Cert: 2800436
Or.Dept: City Attorney

I hereby certify that the foregoing resolution was passed by the Council of the City of San Diego, at its meeting of JAN 8 2008.

ELIZABETH S. MALAND, City Clerk

By 
Deputy City Clerk

Approved: 1.18.08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800436

ORIGINATING

DEPT. NO.:

45

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: \$952,586.00

Vendor: CSAC EIA

Purpose: Authorize the Mayor to pay the City's remaining self insured retention amount to CSAC EIA, who in turn has agreed to pay any and all judgement and attorney fee award that results from the lawsuit La Jolla Alta Master Council v. City of San Diego. Authorize City Comptroller to issue one check for \$952,586.00 to CSAC EIA.

Date: December 6, 2007 By: *Ram Halbert* 12/6/07

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	81140	81140	3302	4141	081141					\$952,586.00
TOTAL AMOUNT											\$952,586.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2800436

R 303299

JAN 08 2008