

RESOLUTION NUMBER R- 308942

DATE OF FINAL PASSAGE MAY 15 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING A SETTLEMENT BETWEEN SAVE
OUR HERITAGE ORGANISATION (SOHO), a non-profit
corporation; AND THE CITY OF SAN DIEGO

WHEREAS, on August 2, 2011, SAVE OUR HERITAGE ORGANISATION [SOHO], a non-profit corporation, filed suit against the City of San Diego [City] alleging that a Memorandum of Understanding [MOU] between the City and the Plaza de Panama Committee, concerning a development project in Balboa Park, constituted a pre-commitment of the City to the Committee-proposed project. The suit is entitled *Save Our Heritage (SOHO) v. City of San Diego*, San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL [the Litigation]; and

WHEREAS, SOHO obtained a final Judgment and issuance of a Writ of Mandate setting aside the MOU; and

WHEREAS, SOHO moved the Court for an award of attorney's fees and costs; and

WHEREAS, SOHO offered to settle its claim for all attorney's fees and costs in the Litigation for the amount set forth below; and

WHEREAS, the City Council in closed session on April 29, 2014, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9); Nays, None, authorized settlement of SOHO's claim for attorney's fees and costs in the Litigation for the amount set forth below;

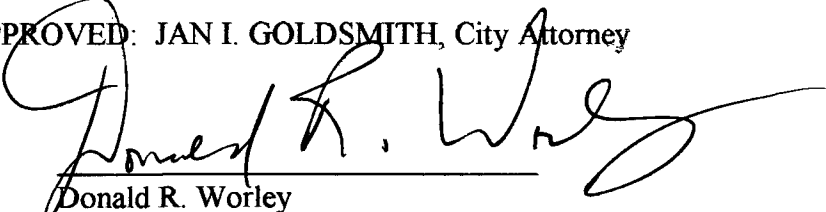
NOW, THEREFORE,

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

1. Authorizing the Mayor or his designee to pay the sum of \$355,000 from the Public Liability Fund No. 720045, in settlement of each and every claim for interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the Judgment in *Save Our Heritage Organisation (SOHO) v. City of San Diego*, San Diego Superior Court Case No. 37-2011-00095579-CU-WM-CTL.
2. Authorizing the Chief Financial Officer to appropriate and expend \$ 355,000 from the Public Liability Fund, Fund 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. Authorizing the Comptroller to issue a check in the amount of \$ 355,000, made payable to Petitioner SOHO's attorney, Brandt-Hawley Law Group.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Donald R. Worley
Assistant City Attorney

DRW:slc
5/9/2014 COR. COPY
5/2/2014
Or.Dept: City Attorney
CC No. 3000006945
Doc. No.: 784118

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 13 2014.

ELIZABETH S. MALAND
City Clerk

By Karen Chao
Deputy City Clerk

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Approved: 5/15/14
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. 3000006945
1515

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: _____

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: \$355,000.00

Vendor: Claim No. 5015 Save Our Heritage Organization (SOHO)

Purpose: To pay for settlements in Claim No. 5015- Save our Heritage Organization

Date: Many 7th, 2014 By: Holly Hernandez
COMPTROLLER'S DEPARTMENT

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		\$355,000.00
TOTAL AMOUNT									\$355,000.00

FUND OVERRIDE
CC 3000006945

Passed by the Council of The City of San Diego on MAY 13 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<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"/>
Lorie Zapf	<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"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 15 2014.

(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 Karen Ovesha, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308942