

RESOLUTION NUMBER R- 309422

DATE OF FINAL PASSAGE DEC 17 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING PAYMENT OF THE JUDGMENT
IN THE MATTER OF *DE ANZA HOMEOWNERS
ASSOCIATION, ET AL,*

WHEREAS, the City of San Diego (City) is a named defendant in the case arising from the closure of a mobile home park on Mission Bay: *De Anza Cove Homeowners Association, et al. v. City of San Diego*, San Diego Superior Court Case No. GIC 821191; and

WHEREAS, in Closed Session on September 17, 2014, the San Diego City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 and 8; Nays, None; and absent, District 9, authorize the resolution of the this litigation as to the certified class of residents of the mobile home park, said resolution is to abide by the Amended Judgment dated October 16, 2014, entered in this lawsuit with payment of attorneys' fees calculated at one third of the award plus costs as awarded by the court, for an amount consistent with the amounts set forth below; and

WHEREAS, the City will perform and make payments required by the Amended Judgment and described in the MEMORANDUM ON TIMELINE FOR NOTICE & FUNDING OF PARK CLOSURE, dated November 11, 2014, which is on file in the Office of the City Clerk as RR- 309422; and, NOW THEREFORE,

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

1. The Mayor or his designee to pay the sum of \$32,041,657, in judgment as against the City of San Diego, for each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from

the Amended Judgment dated October 16, 2014, in *De Anza Cove Homeowners Association, et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC 821191.

2. The Chief Financial Officer to appropriate and transfer \$11,865,000 from the De Anza Operating Fund 200329 to the Public Liability Fund 720045 for the purpose of funding a portion of this action, 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.

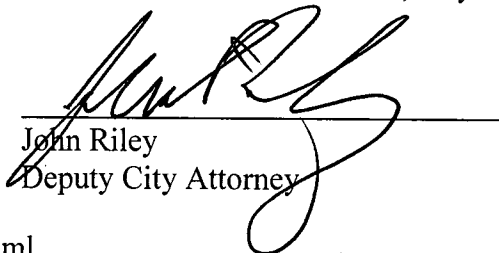
3. The Chief Financial Officer to transfer \$18,237,158 from the Public Liability Reserve-Contingency Fund 720046 to the Public Liability Fund 720045 for the purpose of funding a portion of this action.

4. The Chief Financial Officer to appropriate and expend \$30,102,158 from the Public Liability Fund, Fund 720045 in Fiscal Year 2015, 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.

5. The Chief Financial Officer to appropriate and expend \$1,939,499 from the Public Liability Fund No. 720045 in Fiscal Year 2016, contingent upon the adoption of the Annual Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

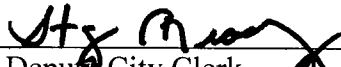

John Riley
Deputy City Attorney

JER:aml

11/24/2014
Or. Dept.: City Attorney
CC No. 00007431
Doc. No. 906211

I certify that this Resolution was passed by the Council of the City of San Diego, at this meeting of 12/16/2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12/17/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

M E M O R A N D U M

MEMO ON TIMELINE FOR NOTICE & FUNDING OF PARK CLOSURE

DE ANZA COVE V. CITY OF SAN DIEGO

EVENT	DATE	AMOUNT DUE
Entry of Amended Judgment	October 16, 2014	
Serve Amended Judgment, Summary Class Notice on Class Members (30 days from Entry of Amended Judgment)	November 15, 2014	
Fund 100% of Compensation for the Vacated Residents into a City-held trust account ("Relocation Fund") (to allow processing of checks by January 14, 2015 / 90 days from Entry of Amended Judgment)	January 7, 2015	\$7,801,243
Serve 12-Month Notice of Closure, OPC Report on All Park Residents; Add Claim Forms for Class Members (90 days from Entry of Amended Judgment)	January 14, 2015	
Fund Expenses of City's Relocation Director Overland Pacific & Cutler and Notice Administrator Gilardi & Co. into the Relocation Fund (90 days from Entry of Amended Judgment)	January 14, 2015	\$506,949 (\$500,000 OPC), (\$6,949 Gilardi)
Fund Attorneys' Fees and Costs in Plaintiffs' Account(s) (90 days from Entry of Amended Judgment)	January 14, 2015	\$7,716,510 fees \$500,961 costs (costs amount = max. possible)
Start Date for Check Payments to Vacated Class Members, Processing of Claims from Class Members Still in Park	January 14, 2015	

EVENT	DATE	AMOUNT DUE
Fund ½ of lump sum payments for 50% class members still in the park into Relocation Fund (assumes 50% of current residents file 60-day notices of intent to vacate on DAY 1) (to allow processing by February 13, 2015, 30 days after notices to vacate)	February 6, 2015	\$3,878,998.40
Deadline to pay ½ of lump sum payments for 50% class members still in the park into Relocation Fund (assumes 50% of current residents file 60-day notices of intent to vacate on DAY 1)	February 13, 2015	
Fund balance of lump sum payments for 50% class members still in the park into Relocation Fund (assumes 50% of current residents file 60-day notices of intent to vacate on DAY 1) (to allow processing by March 15, 2015, 60 days after notices to vacate)	March 6, 2015	\$3,878,998.40
Deadline to pay balance of lump sum payments for 50% class members still in the park into Relocation Fund (assumes 50% of current residents file 60-day notices of intent to vacate on DAY 1)	March 15, 2015	
Fund ½ of lump sum payments for 25% class members still in the park into Relocation Fund (assumes 25% additional current residents file 60-day notices of intent to vacate by March 15, 2015) (to allow processing by April 14, 2015, 30 days after notices to vacate)	April 7, 2015	\$1,939,499.20
Deadline to pay ½ of lump sum payments for 25% class members still in the park into Relocation Fund (assumes 25% additional current residents file 60-day notices of intent to vacate by March 15, 2015)	April 14, 2015	

Fund balance of lump sum payments for 25% class members still in the park into Relocation Fund (assumes 25% additional current residents file 60-day notices of intent to vacate by March 15, 2015) (to allow processing by May 14, 2015, 60 days after notices to vacate))	May 7, 2015	\$1,939,499.20
Deadline to pay balance of lump sum payments for 25% class members still in the park into Relocation Fund (assumes 25% additional current residents file 60-day notices of intent to vacate by March 15, 2015)	May 14, 2015	
Fund ½ of lump sum payments for remaining 25% class members still in the park into Relocation Fund (assumes 25% additional current residents file 60-day notices of intent to vacate by May 14, 2015) (to allow processing by April 14, 2015, 30 days after notices to vacate))	June 5, 2015	\$1,939,499.20
Deadline to pay ½ of lump sum payments for 25% class members still in the park into Relocation Fund (assumes 25% additional current residents file 60-day notices of intent to vacate by May 14, 2015)	June 13, 2015	
Fund balance of lump sum payments for 25% class members still in the park into Relocation Fund (assumes 25% additional current residents file 60-day notices of intent to vacate by May 14, 2015) (to allow processing by July 13, 2015, 60 days after notices to vacate))	July 6, 2015	\$1,939,499.20
Deadline to pay balance of lump sum payments for 25% class members still in the park into Relocation Fund (assumes 25% additional current residents file 60-day notices of intent to vacate by May 14, 2015)	July 13, 2015	
Deadline to serve additional 60-day termination notices on residents still in the park	November 14, 2015	

Park closure date (12 months from January 14, 2015)	January 13, 2016	Any unclaimed amounts in Relocation Fund retained by City
File unlawful detainer or abandonment proceedings, if any	January 13, 2016	
Estimated completion date for uncontested UD proceedings, no money judgment requested (90 days)	April 13, 2016	
Estimated completion date for abandonment proceedings filed January 13, 2016 (120 days)	May 13, 2016	
Estimated completion date for uncontested UD proceedings, money judgment requested (150 days)	June 13, 2016	
Estimated completion date for contested UD proceedings, no money judgment requested (180 days)	July 13, 2016	
Estimated completion date for contested UD proceedings, money judgment requested (240 days)	September 13, 2016	
Estimated completion date for 120-day abandonment proceedings following UD eviction) (360 days)	January 13, 2017	

FUNDING TOTAL: \$32,041,657

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC: 3000007431
 DEPT. NO.: 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: \$32,041,657.00

Vendor: DeAnza Cove Homeowners Association

Purpose: Case No. GIC 821191 DeAnza Cove Homeowners Assoc. Settlement

Date: December 01, 2014 By: Jonathan Alfuentes
 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	720045				512007	1515	1515000011		\$1,939,499.00
2	200329				516027	9913	9913000011		\$11,865,000.00
3	720046				516027	1515	1515000001		\$18,237,158.00
TOTAL AMOUNT									\$32,041,657.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on DEC 16 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"/>
Lorie Zapf	<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"/>
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"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 17 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.

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

(Seal)

By *Sty Crady*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 309422