

(R-2016-8)
Item #104
7/21/15

RESOLUTION NUMBER R- 309863

DATE OF FINAL PASSAGE AUG 05 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN MARK LLANO AND TAMMY DOMNGERN AND
THE CITY OF SAN DIEGO

WHEREAS, on, filed a claim against the City of San Diego [City] alleging personal and property damages following a water main break outside their home on September 3, 2014; and

WHEREAS, in Closed Session on May 19, 2015, the City Council, by the following votes:

Yeas, Districts 1, 2, 3, 4, 5, 7 and 8; Nays, None; and absent, District 6, approved the Settlement.

WHEREAS, the City Council in closed session on May 19, 2015 authorized settlement of the Claim for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

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

1. The sum of \$125,000 to be paid from the Water Utility Operating Fund 700011 in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the September 3, 2014 incident that is the subject of Mark Llano and Tammy Domngern's claim. The City has already advanced \$2,500.00 to claimants, thus the total outstanding settlement amount is \$125,000.

2. The Chief Financial Officer to appropriate and expend \$125,000 from the Water Utility Operating Fund 700011 in Fiscal Year 2016, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or

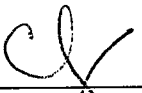
will be, on deposit with the City Treasurer, and contingent upon the adoption of the Annual Appropriation Ordinance.

3. The Comptroller to issue checks as follows:

a. A check for the amount of One Hundred Thousand Dollars (\$100,000.00), made payable to Mark Anthony Llano and Tammy Domngern;

b. A check for the amount of Twenty-Five Thousand Dollars (\$25,000.00) made payable to Aguirre & Severson LLP.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Christina M. Milligan
Deputy City Attorney


CMM:gcb
7/1/2015
Or.Dept:City Attorney
CC No. 3000008002
Doc. No.: 1053422

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 21 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 8/4/15
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING **CC** 300008002
DEPT. NO.: City Attorney - 1211

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: \$125,000.00

Vendor: Mark Anthony Liano, Tammy Domngren, and Aguilre & Severson LLP

Purpose: Settlement of inverse condemnation claim of Mark Liano and Tammy Domngren resulting from a broken water main pipe.

Date: July 2, 2015

By: Livla Valles
Livla Valles
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	700011				512007	2013	2013130001		\$125,000.00
TOTAL AMOUNT									\$125,000.00

FUND OVERRIDE

CC 300008002

Passed by the Council of The City of San Diego on JUL 21 2015, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 05 2015

(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 *Mary Kennedy*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- **309863**