

RESOLUTION NUMBER R- 309980

DATE OF FINAL PASSAGE SEP 24 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN HARTFORD CASUALTY INSURANCE  
COMPANY, A FOREIGN CORPORATION AND THE CITY OF  
SAN DIEGO

WHEREAS, on August 12, 2014, Hartford Casualty Insurance Company, a foreign corporation (“Hartford”) filed suit against the City of San Diego (“City”) alleging damages to its insured’s property arising from failure of a City sewer line. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled Hartford Casualty v. City of San Diego, Case No 37-2014-00026862-CU-PO-CTL (“Litigation”); and

WHEREAS, in Closed Session on July 13, 2015, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, 8; Nays, District(s) None; (District(s) 1, 2, 3, 4, 5, 6, 7, 8, All Present, approved the Settlement.

WHEREAS, the City Council in closed session on July 13, 2015 authorized settlement of the Litigation 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, that the Council of the City of San Diego authorizes:

1. The Mayor or his designee to pay the sum of \$192,500.00 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 City, its agents and employees, arising from the property damage claim of the Litigation;

2. The Chief Financial Officer expend \$192,500.00 from Water Utility Operating Fund 700011, 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 Comptroller to issue a check in the amount of \$192,500.00, made payable to Bauman Loewe Witt & Maxwell Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Charles E. Bell Jr.  
Charles E. Bell Jr.  
Deputy City Attorney

CEB:ctm  
8/10/2015  
Or.Dept: City Attorney  
CC No. 3000008075  
Doc. No.: 1078877

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 15 2015

ELIZABETH S. MALAND  
City Clerk

By Kevin L. Faulconer  
Deputy City Clerk  
Kevin L. Faulconer  
KEVIN L. FAULCONER, Mayor

Approved: 9/23/15  
(date)

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

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000008075  
 DEPT. NO.: Attorney's Office

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: \$192,500.00

Vendor: Check payable to Hartford Casualty Insurance Company

Purpose: Settlement of property claim of Hartford Casualty Insurance Company

Date: August 5, 2015 By: Livia 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		\$192,500.00
TOTAL AMOUNT									\$192,500.00

Passed by the Council of The City of San Diego on SEP 15 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 SEP 24 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 *Hy Beady*, Deputy

Office of the City Clerk, San Diego, California

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