RESOLUTION NUMBER R- 310164

DATE OF FINAL PASSAGE DEC 18 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN MADELYN AND WILLIAM AGUILAR AND THE CITY OF SAN DIEGO.

WHEREAS, Madelyn and William Aguilar filed a claim with the City of San Diego (City) for damages to their property caused by a clogged storm water channel that occurred on February 28, 2014 and November 1, 2014. The clogged storm water channel caused flooding to their home, which involved loss of personal property, hiring of a restoration company to haul away debris, dry out dry wall, conduct mold testing, hiring of a reconstruction company, moving property out of the home during reconstruction, and living in alternate housing while the construction was underway. Claim No. 9384 was reviewed by City of San Diego's Risk Management; and

WHEREAS, in Closed Session of November 3, 2015, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9; Nays, None; and absent, None, approved the settlement of the claim for an amount consistent with the amount set forth below; NOW THEREFORE,

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

1. The sum of \$500,000 to be paid from the Public Liability Fund, Fund 720045, in full and final settlement of each and every claim for damages, interest, costs and fees of any type, including attorney's fees, against the City, its agents and employees, arising from the property damage claim of Madelyn and William Aguilar.

- 2. Authorizing the Chief Financial Officer to expend the amount of \$500,000 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 one check in the amount of \$500,000 made payable to Madelyn and William Aguilar.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Stacy J. Plotkin-Wolff
Deputy City Attorney

SJP:yp

November 23, 2015

Or.Dept: Risk Management

CC No. 3000008374 Doc. No.: 1175668

I certify that the meeting of	e foregoing Resolution was pa	assed by the Council of the City of San Diego, at this
		ELIZABETH S. MALAND City Clerk
Approved:	\ 2/17/15 (date)	Deputy City Clerk  KEVIN L. FAULCONER, Mayor
Vetoed:	(date)	KEVIN L. FAULCONER, Mayor

## The City of San Diego COMPTROLLER'S CERTIFICATE

		CERTIFICATE OF UNALLOTTED BALANCE					ORIGINATING	OEPT.	3000008374 1515		
ΙH	HEREBY	Y CERTIFY that	the money req	uired for the allotm	ent of funds	for the pu	rpose set forth in th	ne foregoing i	resolut	ion is available	
ie Treas	asury, o	r is anticipated to	come into the	Treasury, and is of	therwise una	llotted.					
\mount:	;	<u> </u>					4				
urpose:	e:										
		· <del></del>	<u> </u>			,	<u> </u>		······		
ate:						•	By:	Bv			
		***************************************						COMPTROLLE	R'S DEPA	RTMENT	
Ooc.	et anne e e e e				CCOUNTING DATA	Business	- samuel composition in		1. *		
ltem	Fund	Funded Program	Internal Order	Functional Area	G/L-Account	Area	Cost Center	WBS		Original Amount	
										· · · · · · · · · · · · · · · · · · ·	
				<u> </u>				TOTAL AMO	TINT.		
					be incurred	by the co	ntract or agreement				
solution informit intract, the cre oneys a	on, can l lity with that su redit of t anticipa	be incurred withouther requirements officient moneys he appropriation	out the violation s of the Charte to meet the ob i from which the	ss and obligation to n of any of the prov r of the City of San ligations of said cor s same are to be dr to the credit of said	be incurred isions of the Diego, that shirted are act awn, and that appropriation	by the co Charter of sufficient n ually in the	· .	go; and I do I appropriated for articipated to or in the Treas	nereby or the come i	further certify, purpose of sai nto the Treasu	
solution onformit ontract, the cre oneys a	on, can l lity with that su redit of t anticipa	be incurred withouthe requirements officient moneys he appropriation ated to come into	out the violation s of the Charte to meet the ob- i from which the o the Treasury,	ss and obligation to n of any of the prov r of the City of San ligations of said cor e same are to be dr to the credit of said	be incurred isions of the Diego, that shirted are act awn, and that appropriation	by the co- Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a Treasury, or are a money now actually	go; and I do I appropriated for articipated to or in the Treas	nereby or the come i	further certify, purpose of said nto the Treasu	
solution onformit ontract, the creoneys and to Except to Except of the E	on, can lity with that suredit of the anticipations of the control	be incurred withouthe requirements officient moneys he appropriation ated to come into	out the violations of the Charte to meet the object to the Treasury, at Client Trust A	ss and obligation to n of any of the prov r of the City of San ligations of said con e same are to be dr to the credit of said \$500,000.0	be incurred isions of the Diego, that so tract are act awn, and that appropriation	by the co Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a Treasury, or are a money now actually	go; and I do h ppropriated fo nticipated to o r in the Treas ed.	nereby or the come i ury, to	further certify, purpose of sale nto the Treasu	
esolution onformit ontract, the cre oneys a of to Exc endor:	on, can lity with that suredit of the anticipations of the control	be incurred withouthe requirements officient moneys he appropriation ated to come into	out the violations of the Charte to meet the object to meet the object to the Treasury, at Client Trust A	ss and obligation to n of any of the prov r of the City of San ligations of said con e same are to be dr to the credit of said \$500,000.0	be incurred isions of the Diego, that so tract are act awn, and that appropriation	by the co Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a Treasury, or are a money now actually erwise unencumber	go; and I do h ppropriated fo nticipated to o r in the Treas ed.	nereby or the come i ury, to	further certify, purpose of sale nto the Treasu	
solution onformit ontract, the cre- oneys a of to Exc endor:	on, can lity with that suredit of the anticipations of the control	be incurred withouthe requirements officient moneys he appropriation ated to come into	out the violations of the Charte to meet the object to meet the object the Treasury, at a Client Trust A out Claim number	ss and obligation to n of any of the prov r of the City of San ligations of said con e same are to be dr to the credit of said \$500,000.0	be incurred isions of the Diego, that so tract are act awn, and that appropriation	by the co Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a Treasury, or are a money now actually erwise unencumber	go; and I do I ppropriated for nticipated to or in the Treas red.	nereby or the come i ury, to	further certify, purpose of sale nto the Treasu gether with the	
esolution onformit ontract, the cre- oneys a ot to Exc endor: urpose:	on, can lity with that suredit of the anticipations of the control	be incurred withouthe requirements officient moneys he appropriation ated to come into	out the violations of the Charte to meet the object to meet the object the Treasury, at a Client Trust A out Claim number	ss and obligation to n of any of the prov r of the City of San ligations of said cor e same are to be dr to the credit of said \$500,000.0 ccount :Madelyn & W s 9384 & 10440	be incurred isions of the Diego, that so tract are act awn, and that appropriation	by the co Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a e Treasury, or are a money now actually erwise unencumber	go; and I do I ppropriated for nticipated to or in the Treas red.	nereby or the come i ury, to	further certify, purpose of said nto the Treasul gether with the	
solution on forming on tract, the creconeys and to Except to Except of the creconeys are the creconeys	on, can ity with that su redit of the anticipa cceed:	be incurred withouthe requirements officient moneys he appropriation ated to come into	out the violations of the Charte to meet the object to meet the object the Treasury, at a Client Trust A out Claim number	ss and obligation to n of any of the prov r of the City of San ligations of said cor a same are to be dr to the credit of said \$500,000.0 ccount :Madelyn & W s 9384 & 10440 nember, 24 2015	be incurred isions of the Diego, that so the Diego, that so the Diego, that so the Diego, and the Diego dieg	by the co- Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a e Treasury, or are a money now actually erwise unencumber  By: Holly Here  Cost Center	go; and I do I ppropriated for nticipated to or in the Treas red.	nereby or the come i ury, to	further certify, purpose of sale nto the Treasu gether with the	
esolution on formit on tract, the creconeys and to Except to Except of the creconeys are the creconeys	on, can lity with that suredit of the anticipa cceed:	be incurred withouthe requirements officient moneys he appropriation ated to come into Thorsnes Bartolt Risk Managemen	out the violations of the Charte to meet the object the Treasury, the Cleint Trust A nt Claim number	ss and obligation to n of any of the prov r of the City of San ligations of said cor a same are to be dr to the credit of said \$500,000.0 ccount :Madelyn & W s 9384 & 10440 nember, 24 2015	be incurred isions of the Diego, that so tract are act awn, and that appropriation of the Diego william Aguilar Aguila	by the co- Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a e Treasury, or are a money now actually erwise unencumber	go; and I do I ppropriated for ricipated to or rin the Treas red.	nereby or the come i ury, to	further certify, purpose of sain nto the Treasu gether with the	
esolution conformit contract, to the creation eye at the creation eye at the endor:  urpose:  ate:	on, can ity with that su redit of the anticipa cceed:	be incurred withouthe requirements officient moneys he appropriation ated to come into Thorsnes Bartolt Risk Managemen	out the violations of the Charte to meet the object the Treasury, the Cleint Trust A nt Claim number	ss and obligation to n of any of the prov r of the City of San ligations of said cor a same are to be dr to the credit of said \$500,000.0 ccount :Madelyn & W s 9384 & 10440 nember, 24 2015	be incurred isions of the Diego, that so the Diego, that so the Diego, that so the Diego, and the Diego dieg	by the co- Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a e Treasury, or are a money now actually erwise unencumber  By: Holly Here  Cost Center	go; and I do I ppropriated for ricipated to or rin the Treas red.	nereby or the come i ury, to	further certify, purpose of sale nto the Treasu gether with the	
esolution on formit on tract, on the creation eye at the Exception eye at the endor:  urpose:  ate:  Doc.	on, can ity with that su redit of the anticipa cceed:	be incurred withouthe requirements officient moneys he appropriation ated to come into Thorsnes Bartolt Risk Managemen	out the violations of the Charte to meet the object the Treasury, the Cleint Trust A nt Claim number	ss and obligation to n of any of the prov r of the City of San ligations of said cor a same are to be dr to the credit of said \$500,000.0 ccount :Madelyn & W s 9384 & 10440 nember, 24 2015	be incurred isions of the Diego, that so the Diego, that so the Diego, that so the Diego, and the Diego dieg	by the co- Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a e Treasury, or are a money now actually erwise unencumber  By: Holly Here  Cost Center	go; and I do I ppropriated for ricipated to or rin the Treas red.	nereby or the come i ury, to	further certify, purpose of sale nto the Treasu gether with the	
esolution on formit on tract, in the creation eys a contract of the Except of the Exce	on, can ity with that su redit of the anticipa cceed:	be incurred withouthe requirements officient moneys he appropriation ated to come into Thorsnes Bartolt Risk Managemen	out the violations of the Charte to meet the object the Treasury, the Cleint Trust A nt Claim number	ss and obligation to n of any of the prov r of the City of San ligations of said cor a same are to be dr to the credit of said \$500,000.0 ccount :Madelyn & W s 9384 & 10440 nember, 24 2015	be incurred isions of the Diego, that so the Diego, that so the Diego, that so the Diego, and the Diego dieg	by the co- Charter of sufficient n ually in the at the said on, are oth	ntract or agreement the City of San Die noneys have been a e Treasury, or are a money now actually erwise unencumber  By: Holly Here  Cost Center	go; and I do I ppropriated for ricipated to or rin the Treas red.	nereby for the come i cury, to	further certify, purpose of sain nto the Treasu gether with the	

Passed by the Council of The City of San Diego on _			DEC 1 5 2015		y the following vote:	
		).		e .		
Cou	uncilmembers		Yeas	Nays	Not Present	Recused
S	herri Lightner		$\mathbb{Z}'$			
L	orie Zapf					
T	odd Gloria		$\mathbb{Z}'$			
N	Iyrtle Cole				$\mathbb{Z}$	•
N	lark Kersey		$\mathbf{Z}$			
C	hris Cate		· <b>Z</b>			
S	cott Sherman				$\mathbb{Z}'$	
D	avid Alvarez		Ø			•
M	larti Emerald				D	
•			· .			•
	·					•
Date of fir	nal passage	DEC_1.8	3_2015			
		fetti neg e	o the Office of t		KEVIN L. FA	
AU I HEN	ITICATED BY:		<i>, '</i>	Ma	yor of The City of	San Diego, California.
				,		
(S	Seal)			City (	ELIZABETH S  Clerk of The City of	S. MALAND f San Diego, California.
`						Todii Diego, Camonia.
	• .		,	Ву	Sty Read	, Deputy
			•			,
			1	Office of the	ne City Clerk, Sar	n Diego, California

Resolution Number R- 310164.