

RESOLUTION NUMBER R- 310653

DATE OF FINAL PASSAGE AUG 10 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT
BETWEEN PIRAJ FOZOONMAYEH AND THE CITY
OF SAN DIEGO

WHEREAS, Piraj Fozoonmayeh filed a claim with the City of San Diego (City) for damages to his property caused by a clogged storm water channel that occurred on January 5, 2016. The clogged storm water channel caused flooding to his 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 a hotel while the construction was underway. Claim No. 12282 was reviewed by City of San Diego's Risk Management; and

WHEREAS, on May 24, 2016, the City Council by the following votes: Yeas, Districts 1, 3, 4, 5, 6, 7 and 8; Nays, None; and absent, Districts 2 and 9; approved the settlement of the claim for an amount consistent with the amounts set forth below; NOW THEREFORE,

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

1. Authorizing the Mayor or his designee to pay the sum of \$104,044.34 from the Public Liability Fund 720045 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 January 5, 2016 incident that is the subject of Piraj Fozoonmayeh's claim. The City has

already advanced \$50,000 to claimants, thus the total outstanding settlement amount is \$54,044.34.

2. Authorizing the Chief Financial Officer to appropriate and expend \$54,044.34 from the Public Liability 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 for Fifty-Four Thousand, forty-four dollars and thirty-four cents (\$54,044.34) made payable to Piraj Fozoonmayeh.

APPROVED: JAN I. GOLDSMITH, City Attorney

By David J. Karlin
David J. Karlin
Chief Deputy City Attorney

DJK:aml
July 20, 2016
Or.Dept: Street
Doc. No.: 1320307

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 02 2016.

ELIZABETH S. MALAND
City Clerk

By Elizabeth S. Maland
Deputy City Clerk

Approved: 8/18/16
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on AUG 02 2016, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 10 2016

(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 Fernandez*, Deputy

Office of the City Clerk, San Diego, California

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