

RESOLUTION NUMBER R- 310720

DATE OF FINAL PASSAGE NOV 01 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN UNITED SERVICES AUTOMOBILE
ASSOCIATION (USAA) AND THE CITY OF SAN DIEGO.

WHEREAS, on March 15, 2016, UNITED SERVICES AUTOMOBILE ASSOCIATION filed suit against the City of San Diego [City] for recovery of a property damage claim. Plaintiff brought suit in the San Diego Superior Court for the County of San Diego. The suit is entitled *United Services Automobile Association, as Subrogee of Judith Walkowiak v. City of San Diego*, San Diego Superior Court Case No. 37-2016-00008611-CU-PO-CTL [Litigation]; and

WHEREAS, in Closed Session on July 26, 2016 the City Council, by the following votes: Yeas, District(s) 1, 3, 4, 6, 7 and 8; Nays, None; Absent, District(s) 2, 5 and 9; approved the Settlement.

WHEREAS, the City Council in closed session on July 26, 2016 authorized the 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, by the Council of the City of San Diego that the Council authorizes:

1. Authorizing the Mayor or his designee to pay the sum of \$105,000.00 from the Municipal Sewer Revenue Fund No. 700000, in settlement of 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 property damage claim of USAA vs. City of San Diego San Diego Superior Court Case No.: 37-2016-00008611-CU-PO-CTL; and

2. Authorizing the Chief Financial Officer to expend \$105,000.00 from the Municipal Sewer Revenue Fund No. 700000, 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

3. Authorizing the Comptroller to issue a check in the amount of \$105,000.00, made payable to "Law Offices of Robert A. Stutman, P.C."

APPROVED: JAN I. GOLDSMITH, City Attorney

By Molly E. Hoot
Molly E. Hoot
Deputy City Attorney

MEH:nmm
September 23, 2016
Or.Dept: City Attorney
CC No. 300009301
Doc. No.: 1355523

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 18 2016.

ELIZABETH S. MALAND
City Clerk

By Linda Brown
Deputy City Clerk

Approved: 10/31/16
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000009301
 DEPT. NO. 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: \$105,000.00

Vendor: Law Offices of Robert A. Stutman P.C.

Purpose: Settlement of a Government claim filed by USAA on behalf of subrogee Walkowiak regarding property damage due to a sewage back-up into the Subrogee's insured home. Risk Management File # 11438.

Date: September 21, 2016

By: Pam Halbert
 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	700000				512007	2000	2000180001		\$105,000.00
TOTAL AMOUNT									\$105,000.00

FUND OVERRIDE

CC 3000009301

Passed by the Council of The City of San Diego on OCT 18 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Date of final passage NOV 01 2016.

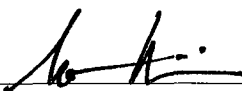
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

By , Deputy

Office of the City Clerk, San Diego, California

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