

RESOLUTION NUMBER R- 310911

DATE OF FINAL PASSAGE JAN 18 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN JOAN MCCOLLOM AND THE CITY OF SAN DIEGO.

WHEREAS, Joan McCollom filed a claim (claim No. 12282) on or about February 14, 2016, against the City of San Diego ["City"] alleging she was sustained property damage to her home when it was flooded with runoff and sediment during a severe weather event which destroyed personal property in her home and portions of her home and landscaping located at 6248 Cabaret Street. There is no lawsuit pending. This is a pre-litigation claim arising; and

WHEREAS, in Closed Session on October 18, 2016, the City Council, by the following votes: Yeas: 1; 2; 4; 5; 6; and 7 and Nays, None and Districts 3, 8 and 9 absent, approved the Settlement; and

WHEREAS, the City Council in closed session on October 18, 2016 authorized settlement of the pre-litigation Claim No. 12282 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 is:

1. Authorizing the Mayor or his designee to pay the sum of \$103,279.77 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 City of San Diego, its agents and employees, arising from the January 5, 2016 property damage claim of Joan McCollom v. City of San Diego. (Risk Claim No. 12282). The City advanced Joan McCollom a total of \$50,000.00 so the final payment will reflect the remainder of her damages which equates to \$53,279.77.

2. Authorizing the Chief Financial Officer to appropriate and expend the total sum of \$53,279.77 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 the outstanding balance of Fifty Three Thousand Two Hundred Seventy Nine Dollar and Seventy-Seven Cents (\$53,279.77) made payable to Joan McCollom.

APPROVED: MARA W. ELLIOT, City Attorney

By 
Brian D. Murphy
Deputy City Attorney Civil Litigation Division

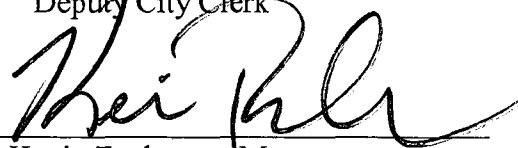
BM:mc
November 3, 2016
January 6, 2017 CORR. COPY
Or. Dept: 1400
CC No. CC 3000009510
Doc. No.: 1411537

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 10 2017.

ELIZABETH MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1/17/17
(date)


Kevin Faulconer, Mayor

Vetoed: _____
(date)

Kevin Faulconer, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC - 3000009510
 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: _____ \$53,279.77

Vendor: Joan McCollom

Purpose: Settlement of injury to real property and personal property claim of Joan McCollom, Risk Management file No. 12282. Total settlement amount is \$103,279.77, of which, \$50,000 has already been advanced to claimant. This Comptroller Certificate is issued for the remainder.

Date: December 5, 2016

By: Lina Chlm 
 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	720045			OTHR-00000000-GG	512007	1515	1515000011		\$53,279.77
TOTAL AMOUNT									\$53,279.77

FUND OVERRIDE

CC 3000009510

Passed by the Council of The City of San Diego on JAN 10 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 18 2017.

(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 *Ginda Brwin*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 310911