

RESOLUTION NUMBER R- 311426

DATE OF FINAL PASSAGE NOV 20 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT
BETWEEN MARC PASKIN AND THE CITY OF SAN
DIEGO

WHEREAS, Marc Paskin filed a claim with the City of San Diego (City) for damages to his residence and property located at 8550 El Paseo Grande, La Jolla, following the failure of a City storm drain on January 6, 2016. Claim No. 12581 was reviewed by City of San Diego's Risk Management Department; and

WHEREAS, on September 19, 2017, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, 9; Nays, None; and Absent, None, 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 \$681,785.00 from the 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 6, 2016 incident that is the subject of Marc Paskin's claim;

2. Authorizing the Chief Financial Officer to appropriate and expend \$681,785.00 from the 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; and

3. Authorizing the Comptroller to issue a check in the sum of \$681,785.00 made payable to Thorsnes Bartolotta McGuire Client Trust Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Catherine A. Richardson
Chief Deputy City Attorney

CAR:slc
September 22, 2017
Or. Dept: City Attorney
CC No. 3000010427
Doc. No.: 1589135

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 14 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/20/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000010427
 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: _____ \$881,785.00

Vendor: Thorsnes Bartolotta McGuire Client Trust Account

Purpose: Authorizing the expenditure of funds for the settlement of pre-litigation property damage claim submitted of Marc Paskin, Risk Mgmt File No. 12581.

Date: October 18, 2017 By: Lina Chin

Lina Chin
 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		\$681,785.00
TOTAL AMOUNT									\$681,785.00

FUND OVERRIDE
 CC 3000010427

Passed by the Council of The City of San Diego on NOV 14 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 NOV 20 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.

(Seal)

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

By *Hy Brady*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311426