RESOLUTION NUMBER R- 311591

DATE OF FINAL PASSAGE MAR 1 9 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN WESTERN HILLS REAL ESTATE MANAGEMENT AND THE CITY OF SAN DIEGO

WHEREAS, Western Hills Real Estate Management filed a claim with the City of San Diego (City) for property damage to rental properties located at 4010-4016 Oregon Street suffered as a result of a water main break that occurred on January 5, 2017.

WHEREAS, on December 13, 2017, the City Council by the following votes: Yeas, Districts 1, 3, 4, 5, 6, 7 8, 9; Nays, None; and Absent, District 2, 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. A resolution authorizing the Mayor or his designee to pay the sum of \$84,142.88 from the Water Utility Operating Fund No. 700011, 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 filed by Western Hills Real Estate Management.
- 2. The Chief Financial Officer to expend \$84,142.88 from the Water Utility Operating Fund No. 700011, 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.

APPROVED: MARA W. ELLIOTT, City Attorney By sandra E. Mougin Deputy City Attorney CEM:gcb January 12, 2018 Or.Dept: City Attorney CC No. C3000010809 Doc. No.: 1666067 I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 0 6 2018 meeting of _____ ELIZABETH S. MALAND City Clerk Approved: Vetoed:

3. The Comptroller to issue a check in the amount of \$84,142.88, made payable to

Western Hills Real Estate Management.

(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

		CERTIFICATE OF UNALLOTTED BALANCE						ORIGINATING	DEPT. NO.:	2000			
l Hi reasury	IEREB` y, or is	Y CERTIFY that anticipated to co	the money requ	uired for the allotme easury, and is other	ent of funds fo wise unallotte	or the purp	ose set forth in the	foregoing res	_				
mount:		•					Fund	1 ·					
urpose:	,•	Fund:											
arpooc.	•												
										-			
Date:							Ву:	COMPTROLLE	DIS DEDAD	TMENT			
		1			ACCOUNTING DATA			COMPTROLLE	K S DEPAK	IMENI			
Doc. tem 1	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS		Original Amoun			
							Cost Center	11 100		Onginal Amount			
								 -					
													
						1		TOTAL AMO	DUNT				
solution	n, can l	be incurred with	out the violation	CERTIFICATION (ss and obligation to of any of the provi	be incurred to sions of the C	by the cont	ract or agreement he City of San Died	o: and I do he	reby fu	rther certify in			
solution informity intract, t the cre- oneys a	n, can I ty with that su edit of ti anticlpa	oe incurred withouthe requirements officient moneys he appropriation ated to come into	out the violation s of the Charter to meet the obli from which the o the Treasury,	es and obligation to of any of the provi- of the City of San igations of said con e same are to be dra to the credit of said	be Incurred to sions of the Congo, that sutract are acturated awn, and that appropriation	by the cont Charter of t Ufficient mo ally in the the said n n, are othe	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumber	go; and I do he opropriated for nticipated to co in the Treasur	reby fur the pur	rther certify, ir rpose of said			
solution onformity ontract, t the cre- oneys a ot to Exce	n, can I ty with that su edit of ti anticlpa	oe incurred withouthe requirements officient moneys he appropriation ated to come into	out the violation s of the Charter to meet the oblining from which the other than the Treasury, \$84,142.88	es and obligation to of any of the provi- of the City of San igations of said con same are to be dra to the credit of said	be Incurred to sions of the Congo, that sutract are acturated awn, and that appropriation	by the cont Charter of t Ufficient mo ally in the the said n n, are othe	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually	go; and I do he opropriated for nticipated to co in the Treasur	reby fur the pur	rther certify, ir rpose of said			
solution informity intract, t the cre- coneys a of to Exce	n, can I ty with that su edit of ti anticlpa	oe incurred withouthe requirements officient moneys he appropriation ated to come into	out the violation s of the Charter to meet the oblinion which the other Treasury, \$84,142.88	es and obligation to of any of the provi- of the City of San igations of said con e same are to be dra to the credit of said	be Incurred to sions of the Control	by the cont Charter of t ufficient mo ally in the the said n n, are othe	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumber	go; and I do he opropriated for ticipated to co in the Treasured.	reby fur the pur	rther certify, ir rpose of said			
solution informity intract, t the cre- coneys a ot to Exce	n, can I ty with that su edit of ti anticlpa	oe incurred withouthe requirements officient moneys he appropriation ated to come into	out the violation s of the Charter to meet the oblinion which the other Treasury, \$84,142.88	es and obligation to of any of the provi- of the City of San igations of said con same are to be dra to the credit of said	be Incurred to sions of the Control	by the cont Charter of t ufficient mo ally in the the said n n, are othe	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumber	go; and I do he opropriated for ticipated to co in the Treasured.	reby fur the pur	rther certify, ir rpose of said			
solution informity intract, it the cre coneys a ot to Exce endor: irpose:	n, can I ty with that su edit of ti anticlpa	oe incurred withouthe requirements officient moneys he appropriation ated to come into	out the violations of the Charter to meet the oblinion which the other Treasury, \$84,142.88 al Estate Managerstern Hills Real	es and obligation to of any of the provi- of the City of San ligations of said con e same are to be dra to the credit of said ement Estate vs. City of San	be Incurred to sions of the Control	by the cont Charter of t ufficient mo ally in the the said n n, are othe	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumber	go; and I do he opropriated for ticipated to co in the Treasured.	reby fur the pur	rther certify, ir rpose of said			
solution onformity ontract, it the cre oneys a ot to Exce endor: urpose:	n, can I ty with that su edit of ti anticlpa	oe incurred withouthe requirements officient moneys he appropriation ated to come into	out the violations of the Charter to meet the oblinion which the other Treasury, \$84,142.88 al Estate Managerstern Hills Real	es and obligation to of any of the provi- of the City of San ligations of said con e same are to be dra to the credit of said ement Estate vs. City of San	be Incurred to sions of the Congo, that sutract are actuation, and that appropriation in Diego. Risk March 1986.	by the cont Charter of t ufficient mo ally in the the said n n, are othe	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumber	go; and I do he opropriated for ticipated to co in the Treasured.	ereby furthe pure the pure into the pure int	rther certify, ir rpose of said the Treasury ther with the			
solution onformity ontract, i the cre oneys a ot to Exce endor: urpose:	n, can I ty with that su edit of ti anticlpa	be incurred withouthe requirements officient moneys he appropriation ated to come into Western Hills Re- Settlement of Western Hills	out the violations of the Charter to meet the oblinion which the other Treasury, \$84,142.88 al Estate Managerstern Hills Real	es and obligation to of any of the provi- of the City of San ligations of said con e same are to be dra to the credit of said ement Estate vs. City of San	be Incurred to sions of the Control	by the cont Charter of t ufficient mo ally in the the said n n, are othe	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumber	go; and I do he opropriated for hitcipated to co in the Treasured.	ereby furthe pure the pure into the pure int	rther certify, ir rpose of said the Treasury ther with the			
solution informity intract, it the cre coneys a of to Exce indor: irpose: ite:	n, can I ty with that su edit of ti anticipa ceed:	oe incurred withouthe requirements officient moneys he appropriation ated to come into	out the violations of the Charter to meet the oblinion which the other Treasury, \$84,142.88 al Estate Managerstern Hills Real	es and obligation to of any of the provi- of the City of San ligations of said con e same are to be dra to the credit of said ement Estate vs. City of San	be Incurred to sions of the Counting Diego, that sutract are actuawn, and that appropriation Diego. Risk Marcounting Data	Charter of the control of the contro	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumbered ht Elle Nr.14713 By: Cost Center	go; and I do he opropriated for hitcipated to co in the Treasured.	ereby furthe pure into the pure interesting into the pure into the pure into the pure into the pure	rther certify, ir rpose of said the Treasury her with the			
solution informity intract, it the cre coneys a of to Exce indor: irpose: ite:	n, can I ty with that su edit of ti anticlpa	be incurred withouthe requirements officient moneys he appropriation ated to come into Western Hills Re- Settlement of Western Hills	sout the violations of the Charter to meet the oblin from which the other Treasury, \$84,142.88 al Estate Manage estern Hills Real	es and obligation to of any of the provi- of the City of San ligations of said con e same are to be dra to the credit of said ement Estate vs. City of San ruary 13, 2018	be Incurred to sions of the Counting of the Counting Data	charter of the control of the contro	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumbers	go; and I do he opropriated for hitcipated to co in the Treasured.	ereby furthe pure into the pure interesting into the pure into the pure into the pure into the pure	rther certify, ir rpose of said the Treasury ther with the			
solution onformity ontract, it the cre oneys a ot to Exce endor: urpose: ate:	n, can I ty with that su edit of ti anticipa ceed:	be incurred withouthe requirements officient moneys he appropriation ated to come into Western Hills Re- Settlement of Western Hills	sout the violations of the Charter to meet the oblin from which the other Treasury, \$84,142.88 al Estate Manage estern Hills Real	es and obligation to of any of the provi- of the City of San ligations of said con e same are to be dra to the credit of said ement Estate vs. City of San ruary 13, 2018	be Incurred to sions of the Counting Diego, that sutract are actuawn, and that appropriation Diego. Risk Marcounting Data	Charter of the control of the contro	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumbered ht Elle Nr.14713 By: Cost Center	go; and I do he opropriated for hitcipated to co in the Treasured.	ereby furthe pure into the pure interesting into the pure into the pure into the pure into the pure	rther certify, ir rpose of said the Treasury her with the			
solution onformity ontract, to the crec oneys a ot to Exce endor: urpose: ate: Doc. tem F	n, can I ty with that su edit of ti anticipa ceed:	be incurred withouthe requirements officient moneys he appropriation ated to come into Western Hills Re- Settlement of Western Hills	sout the violations of the Charter to meet the oblin from which the other Treasury, \$84,142.88 al Estate Manage estern Hills Real	es and obligation to of any of the provi- of the City of San ligations of said con e same are to be dra to the credit of said ement Estate vs. City of San ruary 13, 2018	be Incurred to sions of the Counting Diego, that sutract are actuawn, and that appropriation Diego. Risk Marcounting Data	Charter of the control of the contro	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumbered ht Elle Nr.14713 By: Cost Center	go; and I do he opropriated for hitcipated to co in the Treasured.	ereby furthe pure into the pure interesting into the pure into the pure into the pure into the pure	rther certify, ir rpose of said the Treasury her with the			
solution informity intract, it the cre coneys a of to Exce indor: irpose: ite:	n, can I ty with that su edit of ti anticipa ceed:	be incurred withouthe requirements officient moneys he appropriation ated to come into Western Hills Re- Settlement of Western Hills	sout the violations of the Charter to meet the oblin from which the other Treasury, \$84,142.88 al Estate Manage estern Hills Real	es and obligation to of any of the provi- of the City of San ligations of said con e same are to be dra to the credit of said ement Estate vs. City of San ruary 13, 2018	be Incurred to sions of the Counting Diego, that sutract are actuawn, and that appropriation Diego. Risk Marcounting Data	Charter of the control of the contro	ract or agreement he City of San Dieg oneys have been a Treasury, or are ar noney now actually rwise unencumbered ht Elle Nr.14713 By: Cost Center	go; and I do he opropriated for hitcipated to co in the Treasured.	ereby furthe pure the	rther certify, ir rpose of said the Treasury her with the			

Pas	sed by the Council of T	The City of San Diego on _	MAR	0 6 2018	, by the following vote:			
	Councilmembers	Yeas	Nays	Not Present	Recused			
	Barbara Bry	Z		П	П			
	Lorie Zapf				П			
	Chris Ward	otag			П			
	Myrtle Cole	Z'			П			
	Mark Kersey				П			
	Chris Cate	Ø Ø		П	П			
	Scott Sherman	Ø			П			
	David Alvarez	Ø						
	Georgette Gomez				П	•		
(Ple app	ase note: When a resortion was	olution is approved by the returned to the Office of the	Mayor, the he City Cler	date of final passag k.)	e is the date the			
ATIT	ITHENTICATED DV		KEVIN L. FAULCONER					
AU	ΓΗΕΝΤΙCATED BY:		Ma	yor of The City of S	San Diego, California	1.		
	14 M/ 120 1			ELIZABETH S	S. MALAND	,		
	(Seal)			Clerk of The City of	San Diego, Californ			

Office of the City Clerk, San Diego, California

Resolution Number R- 311591