RESOLUTION NUMBER R- 311647

DATE OF FINAL PASSAGE APR 2 4 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN PROPERTY & CASUALTY INSURANCE COMPANY OF HARTFORD AND THE CITY OF SAN DIEGO

WHEREAS, Property & Casualty Insurance Company of Hartford filed a complaint against the City of San Diego (City) for inverse condemnation following a sewer line back-up that occurred on January 17, 2016, resulting in damage to the property at 6226 Lake Shore Drive, San Diego CA, which resulted in property damage; and

WHEREAS, on February 13, 2018, the City Council by the following votes: Yeas,
Districts 1, 2, 3, 4, 5, 6, 8, 9; Nays, None; and Absent, 7, 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:

- 1. Authorizes the Mayor or his designee to pay the sum of \$268,000.00 from 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 subrogation claim filed by Property and Casualty Insurance Company of Harford.
- 2. Authorizes the Chief Financial Officer to expend \$268,000.00 from 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.

3.	Authorizes the Comptro	oller to issue a check in the amount of \$268,000.00, made
payable to t	the Bauman Loewe Witt &	Maxwell Trust Account.
APPROVE	ED: MARA W. ELLIOTT, C	City Attorney
	Danne Co. 1/1  nna W. Nicholas  outy City Attorney	ua -
CC No. 300 Doc. No.: 1	1, 2018 ity Attorney 0010916 1694540	
I certify that meeting of	at the foregoing Resolution APR 1 0 2018	was passed by the Council of the City of San Diego, at this
		ELIZABETH S. MALAND City Clerk
	Ul ı	By <u>Sinda Truin</u> Deputy City Clerk
Approved:	(date)	KEVIN L. FAULCONER, Mayor
Vetoed:	(date)	KEVIN L. FAULCONER, Mayor

## The City of San Diego COMPTROLLER'S CERTIFICATE

				CERTIFICATE (				COLORIATES	DEPT.
							•	ORIGINATING .	No.: 2000
1	HEREB'	Y CERTIFY that	the money req	uired for the allotm	ent of funds f	or the pur	pose set forth in th	e foregoing reso	olution is available i
reasu	ıry, or is a	anticipated to cor	ne Into the Trea	asury, and is otherw	ise unallotted.				
mour	nt:		<del></del>				Fund	•	
urpos	se:								
Date:			- <del></del> -			·	Ву:		
			· · · · · · · · · · · · · · · · · · ·		ACCOUNTING DATA			COMPTROLLER	'S DEPARTMENT
Doc.						Business		T	
Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Area	Cost Center	WBS	Original Amount
					•				
								TOTAL AMOU	NT _
									FUND OVERRIDE
soluti onforr	ion, can l nity with	oe incurred withouthe the requirements	out the violation of the Charter	CERTIFICATION as and obligation to of any of the provis of the City of San D	be incurred by ions of the Ch Diego, that suff	the contr arter of th	act or agreement at e City of San Diego neys have been app	; and I do hereb propriated for the	y further certify, in purpose of said
esoluti onforr ontrac redit c nticipa	ion, can l nity with ct, that su of the app	oe Incurred withouthe requirements officient moneys to propriation from volume into the Trea	out the violation s of the Charter to meet the obli which the same	ss and obligation to	be incurred by ions of the Ch Diego, that suff ract are actuand that the said	the contracter of the ficient mon lly in the T d money r	act or agreement a e City of San Diego neys have been apt reasury, or are anti low actually in the T	; and I do hereby propriated for the cipated to come	y further certify, in purpose of said into the Treasury, to
esoluti onforr ontrac redit c nticipa ot to E	ion, can I mity with tot, that su of the app ated to co	oe Incurred withouthe requirements officient moneys to the propriation from wome into the Tree	out the violation of the Charter to meet the oblination the same asury, to the cre	es and obligation to of any of the provis of the City of San D gations of said cont are to be drawn, an edit of said appropris	be incurred by ions of the Ch Diego, that suff ract are actuand that the said	the contracter of the ficient mon lly in the T d money r	act or agreement a e City of San Diego neys have been apt reasury, or are anti low actually in the T	; and I do hereby propriated for the cipated to come	y further certify, in purpose of said into the Treasury, to
esoluti onforr ontrac redit c nticipa	ion, can I mity with tot, that su of the app ated to co	oe Incurred withouthe requirements officient moneys to propriation from wome into the Treater.  Bauman Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cress268,000.00  Nitt & Maxwell Ti	es and obligation to of any of the provision of the City of San Digations of said contrare to be drawn, and edit of said appropriations.	be incurred by ions of the Cholego, that suffract are actuand that the said ation, are othe	the contr larter of the licient mod lly in the 7 d money n larwise une	act or agreement and e City of San Diegoneys have been appropersory, or are antition actually in the Tencumbered.	; and I do hereb propriated for the cipated to come reasury, togethe	y further certify, in purpose of said into the Treasury, to
esolutionformontrac redit conticipa nticipa lot to E	ion, can I mity with ot, that su of the app ated to co	oe Incurred withouthe requirements officient moneys to propriation from wome into the Treater.  Bauman Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cress268,000.00  Nitt & Maxwell Ti	es and obligation to of any of the provis of the City of San D gations of said cont are to be drawn, an edit of said appropris	be incurred by ions of the Cholego, that suffract are actuand that the said ation, are othe	the contr larter of the licient mod lly in the 7 d money n larwise une	act or agreement and e City of San Diegoneys have been appropersory, or are antition actually in the Tencumbered.	; and I do hereb propriated for the cipated to come reasury, togethe	y further certify, in purpose of said into the Treasury, to
esoluti onforr ontrac redit c nticipa	ion, can I mity with ot, that su of the app ated to co	oe Incurred withouthe requirements officient moneys to propriation from wome into the Treater.  Bauman Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cress268,000.00  Nitt & Maxwell Ti	es and obligation to of any of the provision of the City of San Digations of said contrare to be drawn, and edit of said appropriations.	be incurred by ions of the Cholego, that suffract are actuand that the said ation, are othe	the contr larter of the licient mod lly in the 7 d money n larwise une	act or agreement and e City of San Diegoneys have been appropersory, or are antition actually in the Tencumbered.	; and I do hereb propriated for the cipated to come reasury, togethe	y further certify, in purpose of said into the Treasury, to
esolutionformontrac redit conticipa nticipa lot to E	ion, can I mity with ot, that su of the app ated to co	oe Incurred withouthe requirements officient moneys to propriation from wome into the Treater.  Bauman Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cress268,000.00  Nitt & Maxwell Total of Property and	es and obligation to of any of the provision of the City of San Digations of said contrare to be drawn, and edit of said appropriations.	be incurred by ions of the Cholego, that suffract are actuand that the said ation, are othe	the contr larter of the licient mod lly in the 7 d money n larwise une	act or agreement and e City of San Diegoneys have been appropersory, or are antition actually in the Tencumbered.	; and I do hereb propriated for the clpated to come reasury, togethe	y further certify, in purpose of said into the Treasury, to r with the moneys
esolutionformontrace redit conticipation for the Effect of	ion, can I mity with ot, that su of the app ated to co	oe Incurred withouthe requirements officient moneys to propriation from wome into the Treater.  Bauman Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cress268,000.00  Nitt & Maxwell Total of Property and	es and obligation to of any of the provis of the City of San D gations of said cont are to be drawn, an edit of said appropria rust Account d Casualty Insurance	be incurred by ions of the Cholego, that suffract are actuand that the said ation, are othe	the contrarter of the ficient monitor the first money many many many many many many many man	act or agreement and e City of San Diegoneys have been appressury, or are antition actually in the Tencumbered.	; and I do hereb propriated for the clpated to come reasury, togethe 12343).	y further certify, in purpose of said into the Treasury, to r with the moneys
esolutionforrontrac redit conticipal lot to E endor: urpose	ion, can I mity with ct, that su of the app ated to co	ce Incurred withouthe requirements officient moneys to proprietion from wome into the Treatment Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cresses \$268,000.00  Nitt & Maxwell To the or property and the company of the	es and obligation to of any of the provis of the City of San D gations of said cont are to be drawn, an edit of said appropria trust Account d Casualty Insurance	be incurred by ions of the Chiego, that sufficed are actually that the sake ation, are other co. of Harford	the contrarter of the ficient monitoring in the Tide money remains une	act or agreement and e City of San Diego neys have been appressury, or are antitiow actually in the Tencumbered.  San Diego (claim No	; and I do hereb propriated for the clpated to come reasury, togethe 12343).	y further certify, in purpose of said into the Treasury, to r with the moneys
esolution of the contract of t	ion, can I mity with ot, that su of the app ated to co	oe Incurred withouthe requirements officient moneys to propriation from wome into the Treater.  Bauman Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cress268,000.00  Nitt & Maxwell Total of Property and	es and obligation to of any of the provis of the City of San D gations of said cont are to be drawn, an edit of said appropria rust Account d Casualty Insurance	be incurred by ions of the Cholego, that suffiract are actuand that the said ation, are other.	the contrarter of the ficient monitor the first money many many many many many many many man	act or agreement and e City of San Diegoneys have been appressury, or are antition actually in the Tencumbered.	; and I do hereb propriated for the clpated to come reasury, togethe 12343).	y further certify, in purpose of said into the Treasury, to r with the moneys
esolution of the contract of t	ion, can I mity with ct, that su of the app ated to co	ce Incurred withouthe requirements officient moneys to proprietion from wome into the Treatment Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cresses \$268,000.00  Nitt & Maxwell To the or property and the company of the	es and obligation to of any of the provis of the City of San D gations of said cont are to be drawn, an edit of said appropria trust Account d Casualty Insurance	be incurred by ions of the Chiego, that suffract are actual that the said ation, are other co. of Harford	the contrarter of the ficient monitoring in the Tide money remains une V. City of States Area	act or agreement at e City of San Diegoneys have been appressively, or are antipower actually in the Transumbered.  Ban Diego (claim No.  By: Livia Vall  Cost Center	; and I do hereb propriated for the clpated to come reasury, togethe 12343).	y further certify, in purpose of said into the Treasury, to r with the moneys  S DEPARTMENT  Original Amount
esolutionforrontractredit conticipal lot to Element conticipal lot to	ion, can I mity with ct, that su of the app ated to co	ce Incurred withouthe requirements officient moneys to proprietion from wome into the Treatment Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cresses \$268,000.00  Nitt & Maxwell To the or property and the company of the	es and obligation to of any of the provis of the City of San D gations of said cont are to be drawn, an edit of said appropria trust Account d Casualty Insurance	be incurred by ions of the Chiego, that suffract are actual that the said ation, are other co. of Harford	the contrarter of the ficient monitoring in the Tide money remains une V. City of States Area	act or agreement at e City of San Diegoneys have been appressively, or are antipower actually in the Transumbered.  Ban Diego (claim No.  By: Livia Vall  Cost Center	; and I do hereb propriated for the clpated to come reasury, togethe 12343).	y further certify, in purpose of said into the Treasury, to r with the moneys  S DEPARTMENT  Original Amount
esolutionforrontractredit conticipal lot to Element conticipal lot to	ion, can I mity with ct, that su of the app ated to co	ce Incurred withouthe requirements officient moneys to proprietion from wome into the Treatment Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cresses \$268,000.00  Nitt & Maxwell To the or property and the company of the	es and obligation to of any of the provis of the City of San D gations of said cont are to be drawn, an edit of said appropria trust Account d Casualty Insurance	be incurred by ions of the Chiego, that suffract are actual that the said ation, are other co. of Harford	the contrarter of the ficient monitoring in the Tide money remains une V. City of States Area	act or agreement at e City of San Diegoneys have been appressively, or are antipower actually in the Transumbered.  Ban Diego (claim No.  By: Livia Vall  Cost Center	; and I do hereb propriated for the clpated to come reasury, togethe 12343).	y further certify, in purpose of said into the Treasury, to r with the moneys  S DEPARTMENT  Original Amount
esolution on formatic participation on the contract of the con	ion, can I mity with ct, that su of the app ated to co	ce Incurred withouthe requirements officient moneys to proprietion from wome into the Treatment Loewe V	out the violation of the Charter to meet the oblivation the same asury, to the cresses \$268,000.00  Nitt & Maxwell To the or property and the company of the	es and obligation to of any of the provis of the City of San D gations of said cont are to be drawn, an edit of said appropria trust Account d Casualty Insurance	be incurred by ions of the Chiego, that suffract are actual that the said ation, are other co. of Harford	the contrarter of the ficient monitoring in the Tide money remains une V. City of States Area	act or agreement at e City of San Diegoneys have been appressively, or are antipower actually in the Transumbered.  Ban Diego (claim No.  By: Livia Vall  Cost Center	; and I do hereb propriated for the clpated to come reasury, togethe 12343).	y further certify, in purpose of said into the Treasury, to r with the moneys  Original Amount \$268,000.00

Resolution Number R-

311647