

RESOLUTION NUMBER R- 311647

DATE OF FINAL PASSAGE APR 24 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,

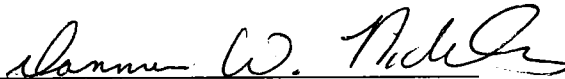
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

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 Comptroller to issue a check in the amount of \$268,000.00, made payable to the Bauman Loewe Witt & Maxwell Trust Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Danna W. Nicholas  
Deputy City Attorney

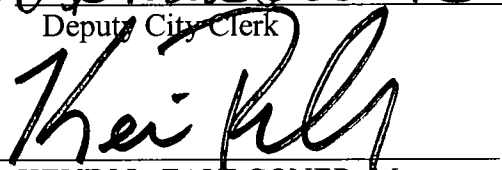
DWN:nmm  
February 21, 2018  
Or.Dept:City Attorney  
CC No. 300010916  
Doc. No.: 1694540

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 10 2018.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/19/18  
(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 3000010916  
 DEPT. No.: 2000

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: \$268,000.00

Vendor: Bauman Loewe Witt & Maxwell Trust Account

Purpose: 1472 - Settlement of Property and Casualty Insurance Co. of Harford V. City of San Diego (claim No.12343).

Date: March 9, 2018 By: Livia Valles  
 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		\$268,000.00
TOTAL AMOUNT									\$268,000.00

FUND OVERRIDE

CC 3000010916

Passed by the Council of The City of San Diego on APR 10 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 APR 24 2018

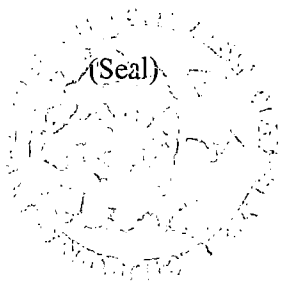
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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.

By *Hinda Bruin*, Deputy



Office of the City Clerk, San Diego, California  
Resolution Number R- 311647