#104 6/19/18 (R-2018-573)

RESOLUTION NUMBER R- 311828

DATE OF FINAL PASSAGE JUN 21 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN CHICANO FEDERATION OF SAN DIEGO COUNTY AND THE CITY OF SAN DIEGO.

WHEREAS, on December 13, 2016, Plaintiff Chicano Federation of San Diego County filed suit against the City of San Diego alleging property damage arising from flood damage that occurred on January 5, 2016. The suit is entitled *Chicano Federation of San Diego County v. City of San Diego*, San Diego Superior Court, Case No. 37-2016-00043658-CU-EL-CTL; and

WHEREAS, in closed session on May 22, 2018, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, none; Absent, none, approved the settlement of Plaintiff's claims for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement agreement; NOW, THEREFORE,

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

- 1. The Mayor or his designee to pay the sum of \$275,000 from the Public Liability Fund No. 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 property damage claim of *Chicano Federation of San Diego County v. City of San Diego*, San Diego Superior Court, Case No. 37-2016-00043658-CU-EL-CTL;
- 2. The Chief Financial Officer to appropriate and expend \$275,000 from the Public Liability Fund No. 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

Thorsnes, Bartolotta, McGuire LLP Client T	rust Account.
APPROVED: MARA W. ELLIOTT, City A	ttorney
By Carmen A. Brock Deputy City Attorney	
CAB:msr 05/22/2018	·
Or.Dept: City Attorney	
CC No. 3000011161 Doc. No.: 1756609	
I certify that the foregoing Resolution was pareeting of JUN 192018	assed by the Council of the City of San Diego, at thi
-	ELIZABETH S. MALAND City Clerk
	By Deputy Lity Clerk
Approved: 4/2118 (date)	KEVIN L. FAUI CONER, Mayor
Vetoed: (date)	KEVIN L. FAULCONER, Mayor

The Comptroller to issue a check in the amount of \$275,000, made payable to

3.

The City of San Diego COMPTROLLER'S CERTIFICATE

				CERTIFICATE	OF UNALLO	I IED BAL	ANCE	ORIGINATING	CC DEPT NO,:	3000011161 1211
1.	HEREB'	CERTIFY that	the money re	quired for the allotn	nent of funds	for the pu	urpose set forth in th	ne foregoing re	_	
		anticipated to co	me into the Tr	easury, and is other	wise unallott	ed.				
moun	ıt:		······································		·		Fund:			
urpos	е:		 					······································		
ate:							Ву:			
					ACCOUNTING DA	ITA		COMPTROLL	ER'8 DEP	ARTMENT
Doc.					ACCOUNTING DA	Business		<u> </u>	<u>-</u>	
tem	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Area	Cost Center	WBS		Original Amount
								TOTAL AMO	TNU	
soluti onforn ontrac	ion, can l nity with it, that su	oe incurred withouth the requirements fficient moneys	out the violations of the Charte to meet the ob	n of any of the prover of the City of San Digations of said co	be incurred Isions of the Diego, that s	by the con Charter of sufficient mually in the	ntract or agreement the City of San Dieg noneys have been ag Treasury, or are an	go; and I do he opropriated for iticipated to co	reby for the po me int	urther certify, in urpose of said o the Treasury, to
esoluti onform ontrac ne crec nticipa	ion, can l nity with it, that su dit of the ated to co	be incurred withouthe requirements fficient moneys appropriation fro	out the violations of the Chartesto meet the ob om which the se	ess and obligation to in of any of the prov or of the City of San obligations of said co same are to be draw redit of said approp	be incurred Isions of the Diego, that s ntract are act vn, and that the riation, are of	by the con Charter of sufficient mually in the he said me	ntract or agreement the City of San Dieg noneys have been ag Treasury, or are an	go; and I do he opropriated for iticipated to co	reby for the po me int	urther certify, in urpose of said o the Treasury, to
esoluti onform ontrac ne crec nticipa	ion, can l nity with it, that su dit of the	pe incurred withouthe requirements fficient moneys appropriation frome into the Tree and the Tree	out the violations of the Chartesto meet the obom which the sasury, to the community to the	ess and obligation to in of any of the prover of the City of San oligations of said consame are to be draw redit of said approp	be incurred isions of the Diego, that s ntract are act vn. and that t	by the con Charter of sufficient mually in the he said me	ntract or agreement the City of San Dieg noneys have been ag Treasury, or are an	go; and I do he opropriated for iticipated to co	reby for the po me int	urther certify, in urpose of said o the Treasury, to
esoluti onform ontrac ne cred nticipa ot to E	ion, can linity with the state of the ated to continue the ated to conti	pe incurred withouthe requirements fficient moneys appropriation frome into the Tree and the Tree	out the violations of the Chartesto meet the obom which the sasury, to the community to the	ess and obligation to in of any of the prov or of the City of San obligations of said co same are to be draw redit of said approp	be incurred Isions of the Diego, that s ntract are act vn, and that the riation, are of	by the con Charter of sufficient mually in the he said me	ntract or agreement the City of San Dieg noneys have been ag Treasury, or are an	go; and I do he opropriated for iticipated to co	reby for the po me int	urther certify, in urpose of said o the Treasury, to
esolutionformontrac ne crecenticipa ot to E	ion, can linity with sit, that sudit of the ated to co	the requirements of the re	out the violations of the Chartesto meet the obom which the sasury, to the contact, McGuire, expenditure of fu	ess and obligation to on of any of the prover of the City of San oligations of said consame are to be draw redit of said approp	be incurred lsions of the Diego, that sontract are act vn, and that the riation, are of 275,000.00	by the cor Charter of sufficient mually in the he said me therwise u	ntract or agreement the City of San Dieg noneys have been ag Treasury, or are an	go; and I do he opropriated for ticlpated to co the Treasury,	reby for the po- me int togeth	urther certify, in urpose of said to the Treasury, to er with the money
esoluti onform ontrac ne crec nticipa	ion, can linity with sit, that sudit of the ated to co	the requirements of the re	out the violations of the Chartesto meet the obom which the sasury, to the contact, McGuire, expenditure of fu	ess and obligation to on of any of the prover of the City of San oligations of said consame are to be draw redit of said approp	be incurred lsions of the Diego, that sontract are act vn, and that the riation, are of 275,000.00	by the cor Charter of sufficient mually in the he said me therwise u	ntract or agreement the City of San Dieg noneys have been at a Treasury, or are an oney now actually in nencumbered.	go; and I do he opropriated for ticlpated to co the Treasury,	reby for the po- me int togeth	urther certify, in urpose of said to the Treasury, to er with the money
esolutionformontrace creconticipal detection to E	ion, can linity with sit, that sudit of the ated to co	the requirements of the re	out the violations of the Chartesto meet the oborn which the seasury, to the content of the content of the end	ess and obligation to on of any of the prover of the City of San obligations of said consume are to be draw redit of said approp	be incurred lsions of the Diego, that sontract are act vn, and that the riation, are of 275,000.00	by the cor Charter of sufficient mually in the he said me therwise u	ntract or agreement the City of San Dieg noneys have been at a Treasury, or are an oney now actually in nencumbered.	go; and I do he oppropriated for hiticipated to co the Treasury, redefined for the Treasury, redefined for Sa	the purchase into the purchase into the purchase into the purchase into the purchase in Dieg	urther certify, in urpose of said of the Treasury, to er with the money of County, Risk
esolution form on trace credenticipal ot to E endor: urpose	ion, can linity with sit, that sudit of the ated to co	the requirements of the re	out the violations of the Chartesto meet the oborn which the seasury, to the content of the content of the end	ess and obligation to in of any of the prover of the City of San obligations of said consame are to be draw redit of said approp	be incurred lsions of the Diego, that sontract are act vn, and that the riation, are of 275,000.00	by the cor Charter of sufficient mually in the he said mo therwise u	ntract or agreement the City of San Dieg noneys have been ag e Treasury, or are an oney now actually in nencumbered.	go; and I do he oppropriated for ticipated to co the Treasury, federation of Sa	the purchase into the purchase into the purchase into the purchase into the purchase in Dieg	urther certify, in urpose of said of the Treasury, to er with the money of County, Risk
esolution formontrac entroipe creciniticipa et to E endor: urpose et e.	ion, can linity with sit, that sudit of the ated to co	the requirements of the re	out the violations of the Chartesto meet the oborn which the seasury, to the content of the content of the end	ess and obligation to in of any of the prover of the City of San obligations of said consame are to be draw redit of said approp	be incurred lsions of the Diego, that softract are active, and that the property of the proper	by the cor Charter of sufficient mually in the he said mo therwise u	ntract or agreement the City of San Diegononeys have been age Treasury, or are an oney now actually in nencumbered. By: Lina Chim	go, and I do he oppropriated for ticipated to co the Treasury, dederation of Sa	the purchase into the purchase into the purchase into the purchase into the purchase in Dieg	arther certify, in arpose of said to the Treasury, to er with the money of County, Risk
solution form on trace creations and to the second or to the second or to se	on, can inity with the thick that sudit of the ated to continue the thick that is the thick that	the requirements of the requirement of the requ	out the violations of the Chartesto meet the obom which the sasury, to the content of the content of the No. 13035.	ess and obligation to on of any of the prover of the City of San obligations of said consumer are to be draw redit of said approp \$ LLP Trust Account unds for the settlement	Diego, that solutions of the Diego, that solutions are active, and that the Diego, and that the Diego, and the Diego, and the Diego, and Diego,	by the cor Charter of sufficient mually in the he said mo therwise u	ntract or agreement the City of San Dieg noneys have been ag e Treasury, or are an oney now actually in nencumbered.	go; and I do he oppropriated for ticipated to co the Treasury, federation of Sa	the purchase into the purchase into the purchase into the purchase into the purchase in Dieg	urther certify, in urpose of said of the Treasury, to er with the money of County, Risk
solution form on trace creater to the European control of the European control	on, can nity with the thick that sudit of the ated to continue the thick that the	the requirements of the requirement of the requ	out the violations of the Chartesto meet the obom which the sasury, to the content of the content of the No. 13035.	ess and obligation to n of any of the prover of the City of San bligations of said consame are to be draw redit of said approp \$ LLP Trust Account unds for the settlement May 25, 2018 Functional Area	Diego, that solutions of the Diego, that solutions are active, and that the Diego, and that the Diego, and that the Diego, and the Diego, and D	by the cor Charter of sufficient mually in the he said me therwise u	htract or agreement the City of San Diegononeys have been as Treasury, or are an oney now actually in nencumbered. By: Lina Chim	go, and I do he oppropriated for ticipated to co the Treasury, dederation of Sa	the purchase into the purchase into the purchase into the purchase into the purchase in Dieg	arther certify, in arpose of said to the Treasury, to er with the money to County. Risk Original Amount
esolution form on trace or cred nticipal ot to E endor: urpose	on, can nity with the thick that sudit of the ated to continue the thick that the	the requirements of the requirement of the requ	out the violations of the Chartesto meet the obom which the sasury, to the content of the content of the No. 13035.	ess and obligation to n of any of the prover of the City of San bligations of said consame are to be draw redit of said approp \$ LLP Trust Account unds for the settlement May 25, 2018 Functional Area	Diego, that solutions of the Diego, that solutions are active, and that the Diego, and that the Diego, and that the Diego, and the Diego, and D	by the cor Charter of sufficient mually in the he said me therwise u	htract or agreement the City of San Diegononeys have been as Treasury, or are an oney now actually in nencumbered. By: Lina Chim	go, and I do he oppropriated for ticipated to co the Treasury, dederation of Sa	the purchase into the purchase into the purchase into the purchase into the purchase in Dieg	arther certify, in arpose of said to the Treasury, to er with the money to County. Risk Original Amount
esolution form on trace on tra	on, can nity with the thick that sudit of the ated to continue the thick that the	the requirements of the requirement of the requ	out the violations of the Chartesto meet the obom which the sasury, to the content of the content of the No. 13035.	ess and obligation to n of any of the prover of the City of San bligations of said consame are to be draw redit of said approp \$ LLP Trust Account unds for the settlement May 25, 2018 Functional Area	Diego, that solutions of the Diego, that solutions are active, and that the Diego, and that the Diego, and that the Diego, and the Diego, and D	by the cor Charter of sufficient mually in the he said me therwise u	htract or agreement the City of San Diegononeys have been as Treasury, or are an oney now actually in nencumbered. By: Lina Chim	go, and I do he oppropriated for ticipated to co the Treasury, dederation of Sa	the purchase into the purchase into the purchase into the purchase into the purchase in Dieg	arther certify, in arpose of said to the Treasury, to er with the money to County. Risk Original Amount

Passed by the Council of The	City of San Diego on		JUN 1 9 2018	, by the following vote:
Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	7	n		Π
Lorie Zapf	<u> </u>		_ ∏	П
Chris Ward	7		<u> </u>	
Myrtle Cole		— —	П	
Mark Kersey	7	. — П		П
Chris Cate	7	$\overline{\Box}$		
Scott Sherman	7	П		<u>-</u> П
David Alvarez	7	$\overline{\square}$		П
Georgette Gomez				П
Goorgeno Gomes	7		<u></u>	
Date of final passage	JUN 21 2018			
•				
approved resolution was re	ediffied to the Office of		KEVIN L. F	AULCONER
AUTHENTICATED BY:		$ar{m{V}}$	Mayor of The City o	f San Diego, California.
			ELIZABET	HS. MALAND
(Seal)		Cit	ty Clerk of The City	of San Diego, California.
			_	
		Ву	Sty Mic	, Depu
				O
·				
		Office of	the City Clerk, Sa	n Diego, California
	Res	solution Nur	nber R	311828