RESOLUTION NUMBER R- 311940

DATE OF FINAL PASSAGE AUG 14 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN CHRISTOPHER AND KELSEY ECK AND THE CITY OF SAN DIEGO.

WHEREAS, on February 20, 2018. CHRISTOPHER ECK and KELSEY ECK filed suit against the City of San Diego [City] alleging property damage arising from an incident that occurred on December 14, 2017. Plaintiffs brought suit in the Superior Court for the County of San Diego. The suit is entitled *Christopher Eck, et al. v. City of San Diego, et al.*, Superior Court Case No. 37-2018-00008796-CU-EI-CTL [Litigation]; and

WHEREAS, in Closed Session on July 17, 2018, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, and 9; Nays, none, and absent, 8, approved the settlement; and

WHEREAS, the City Council in closed session on July 17, 2018, authorized settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; 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 total sum of \$133,112.88 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, its agents and employees, arising from the sewer back-up that occurred on December 14, 2017. The City has previously advanced \$14,314.22 to Plaintiffs.

- Authorizes the Chief Financial Officer to expend \$118,798.66 from Municipal 2. 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.
- Authorizes the Comptroller to issue two checks for the outstanding balance of follows: the first check in the sum of \$5,000 made payable to Krause Kalfavan

\$118,798.00, as follows: the first check in the sum of \$5,000 made payable to Krause Kanaya
Benink & Slavens, LLP; the second check in the sum of \$113,798.66 made payable to
Christopher Charles Eck.
APPROVED: MARA W. ELLIOTT, City Attorney By Catherine A. Richardson Chief Deputy City Attorney

CAR:slc July 17, 2018 Or.Dept: City Attorney CC No. 300011346

Doc. No.: 1800171

I certify that the foregoing Resolution was pass meeting of AUG 7 2018	red by the Council of the City of San Diego, at this
	ELIZABETH S. MALAND City Clerk
	By Deputy City Clerk
Approved: S/14/(date)	KEVIN L. FAULCONER, Mayor
Vetoed:(date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Dieg in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have beer said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money not together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are other. Not to Exceed: \$118,798.66 Vendor: Christopher Charles Eck Purpose: July 25, 2018 By: Elizabeth Wa			CERTIFICATE OF UNALLOTTED BALANCE						ORIGINATING	CC DEPT.	3000011346		
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assed by the Council of The City of	Al	JG 0 7 2018	, by the following vote:		
Councilmembers	Yeas	Nays	Not Present	Recused	
Barbara Bry	$ ot \hspace{-1em} \not \hspace{-1em} \square$				
Lorie Zapf					
Chris Ward					
Myrtle Cole	\mathbb{Z}				
Mark Kersey	\mathbb{Z}				
Chris Cate			\mathbb{Z}		
Scott Sherman	\mathbb{Z}				
David Alvarez					
Georgette Gomez	Ø				
Please note: When a resolution is approved resolution was returned	s approved by the	e Mayor, the the City Clei	rk.)		
UTHENTICATED BY: ,	M	KEVIN L. FA ayor of The City of	San Diego, California.		
				S. MALAND	
(Seal)	4 	City	Clerk of The City of	of San Diego, California.	
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