

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.

2. Authorizes the Chief Financial Officer to expend \$118,798.66 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 two checks for the outstanding balance of \$118,798.66, as follows: the first check in the sum of \$5,000 made payable to Krause Kalfayan 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 *King*
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 passed by the Council of the City of San Diego, at this meeting of AUG 07 2018.

ELIZABETH S. MALAND
City Clerk

By *h.h.*
Deputy City Clerk

Approved: 8/19/18
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000011346
 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: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	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: \$118,798.66

Vendor: Christopher Charles Eck

Purpose: To authorize the expenditure of funds, not to exceed \$118,798.66, for the settlement of Christopher Charles Eck v. City of San Diego.

Date: July 25, 2018 By: Elizabeth Warnock

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center	WBS Element	Original Amount
001	Non-Program	700000	N/A	512007	OTHR-0000000-SU	2000	2000180001	N/A	\$118,798.66
TOTAL AMOUNT									\$118,798.66

AUG 07 2018

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 **AUG 14 2018**

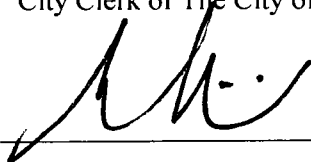
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311940