

RESOLUTION NUMBER R- 312309

DATE OF FINAL PASSAGE APR 15 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN OHIO SECURITY INSURANCE COMPANY AND THE CITY OF SAN DIEGO.

WHEREAS, on March 9, 2018, Ohio Security Insurance Company filed suit against the City of San Diego [City] alleging damages arising from a water main break on July 30, 2017. Plaintiffs brought suit in the Superior Court for the County of San Diego. The suit is entitled *Ohio Security Ins. Co. v. City of San Diego*, San Diego Superior Court Case No 37-2018-00012382-CU-PO-CTL (Litigation); and

WHEREAS, in Closed Session on February 12, 2019, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None; and absent, Districts None/All Present, approved 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. A resolution authorizing the Mayor of his designee to pay the sum of \$115,000.00 from Water Fund No. 700011, 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 filed by Ohio Security Insurance Company.

2. Authorizes the Chief Financial Officer to appropriate \$115,000.00 from Water Fund No. 700011, 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 \$115,000.00, made payable to Cozen O'Connor, attorneys for Ohio Security Insurance Company.

APPROVED: MARA W. ELLIOTT, City Attorney

By Charles E. Bell, Jr.  
Charles E. Bell, Jr.  
Chief Deputy City Attorney

CB:slc  
March 1, 2019  
Or.Dept: City Attorney  
CC No. 3000011961  
Doc. No.: 1923183

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 09 2019.

ELIZABETH S. MALAND  
City Clerk

By M.M.  
Deputy City Clerk

Approved: 4/15/19  
(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 3000011961  
 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	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: \$115,000.00

Settlement of Ohio Security Insurance Company

Vendor: \_\_\_\_\_

Purpose: SD Superior Court Case no.37-2018-00012382-CU-PO-CTL Calim no.17107.

Date: March 4th, 2019

By: Holly Hernandez

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	700011			OTHR-00000000-WU	512007	2000	200211101		\$115,000.00
TOTAL AMOUNT									\$115,000.00

Passed by the Council of The City of San Diego on APR 09 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 15 2019.

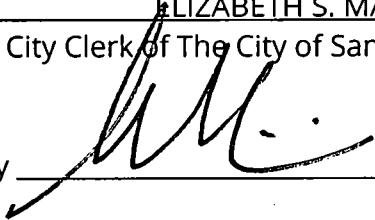
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California  
**312309**  
Resolution Number R-\_\_\_\_\_