

RESOLUTION NUMBER R- 312478

DATE OF FINAL PASSAGE MAY 23 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN MISSION VALLEY CHURCH OF THE NAZARENE, DBA MISSION CHURCH OF THE NAZARENE, AND MISSION VALLEY NAZARENE CHILD CARE CENTER, DBA MISSION NAZARENE PRESCHOOL, AND THE CITY OF SAN DIEGO.

WHEREAS, on August 8, 2017, Plaintiffs Mission Valley Church of the Nazarene, dba Mission Church of the Nazarene, and Mission Valley Nazarene Child Care Center, dba Mission Nazarene Preschool, filed suit against the City of San Diego alleging property damage arising from City's storm drain system that occurred on May 15, 2015, and again on January 5-6, 2016. The suit is entitled *Mission Valley Church of the Nazarene v. City of San Diego*, San Diego Superior Court, Case No. 37-2017-00027886-CU-OR-CTL; and

WHEREAS, in closed session on November 13, 2018, the City Council 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,

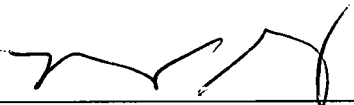
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Authorizes the Mayor or his designee to pay the sum of one hundred sixty-five thousand dollars (\$165,000.00) 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 Mission Valley Church of the Nazarene v. City of San Diego, San Diego Superior Court, Case No. 37-2017-00027886-CU-OR-CTL.

2. Authorizes the Chief Financial Officer to expend \$165,000.00 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.

3. Authorizes the Comptroller to issue a check in the amount of \$165,000.00 made payable to Higgs, Fletcher & Mack, LLP Client Trust Account.

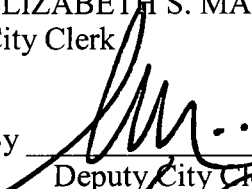
APPROVED: MARA W. ELLIOTT, City Attorney

By 
Benjamin P. Syz
Deputy City Attorney

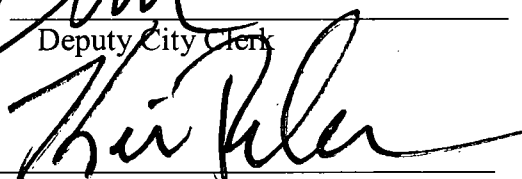
BPS:dlr
March 22, 2019
Or.Dept: City Attorney
CC No. 300012150
Doc. No.: 2016-23849

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 21 2019 .

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/23/19
(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** 3000012150
 DEPT. NO: 1211

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: _____ \$165,000.00

Vendor: Higgs, Fletcher and Mack, LLP Client Trust Account

Purpose: Authorizing the expenditure of funds for the settlement of a property damage claim of Mission Valley Church of the Nazarene. Risk Management Claim No. 12802.

Date: April 17, 2019 By: Sonny Bautista
 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	720045			OTHR-00000000-GG	512007	1515	1515000011		\$165,000.00
TOTAL AMOUNT									\$165,000.00

Passed by the Council of The City of San Diego on MAY 21 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 MAY 23 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
Resolution Number R- 312478