

RESOLUTION NUMBER R- 312559

DATE OF FINAL PASSAGE JUL 11 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN REX AND KIM HUFFMAN AND THE CITY OF  
SAN DIEGO.

WHEREAS, on January 24, 2019, REX AND KIM HUFFMAN filed suit against the City of San Diego alleging property damage arising from a City sewer main backup at 2010 W. California Street, in the City of San Diego, on February 10, 2018. Plaintiffs brought suit in the San Diego Superior Court. The suit is entitled *Rex and Kim Huffman v. City of San Diego*, San Diego Superior Court case No. 37-2019-00004345-CU-PO-CTL; and

WHEREAS, in Closed Session on May 14, 2019, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None; and All Present, approved the Settlement; and

WHEREAS, the City Council in Closed Session on May 14, 2019, authorized settlement of the Litigation for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

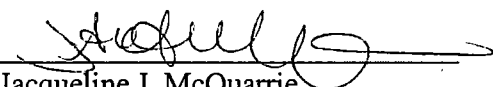
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council authorizes:

1. A resolution authorizing the Mayor or his designee to pay the sum of \$100,000.00 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 of San Diego, its agents and employees, arising from the property damage Complaint filed by Rex and Kim Huffman, entitled *Rex & Kim Huffman v. City of San Diego*, San Diego Superior Court Case No. 37-2019-00004345-CU-PO-CTL.

2. Authorize the Chief Financial Officer to expend \$100,000.00 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. Authorize the Comptroller to issue a check in the amount of \$100,000.00, made payable to the Jeffrey Flynn Legal Client Trust Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Jacqueline J. McQuarrie  
Deputy City Attorney


JJM:gk  
June 4, 2019  
Or.Dept: City Attorney  
CC No. 300012307  
Doc. No.: 2012013

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

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7/11/19  
(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 3000012307  
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: \_\_\_\_\_ \$100,000.00

Vendor: Jeffrey E. Flynn, Esq.

Purpose: To authorize the expenditure of funds, not to exceed \$100,000.00, to Jeffrey E. Flynn, Esq., for a property damage settlement in Rex & Kim Huffman v. City of San Diego, San Diego Superior Court Case No. 37-2019-00004345-CU-PO-CTL.

Date: \_\_\_\_\_ June 7, 2019

By: Elizabeth Warnock

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center	IO or WBS Element	Original Amount
001	Non-Program	700000	N/A	512007	OTHR-00000000-SU	2000	2000180001	N/A	\$100,000.00
TOTAL AMOUNT									\$100,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on JUL 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 JUL 11 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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 312559