

RESOLUTION NUMBER R- 312715

DATE OF FINAL PASSAGE OCT 24 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN PLAINTIFF, DONNA NUSS-RICK AND THE CITY OF SAN DIEGO.

WHEREAS, Plaintiff Donna Nuss-Rick filed a complaint against the City of San Diego (City) for inverse condemnation following rain events on January 20, 2017 and February 27, 2017. Plaintiff alleges that rainwater and mud flowed from the San Diego Unified School District and City's joint use field at Lewis Middle School, causing mud and water to flow onto her property located at 7009 Keighley Street, San Diego, CA, which resulted in property damage; and

WHEREAS, on September 17, 2019, the City Council by the following votes: Yeas, Districts 1,2,4,5,6,7,8,9; Nays, none; and Absent, 3, approved the settlement of the claim 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:

1. Authorizes the Mayor of his designee to pay the sum of \$225,000.00 from 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 inverse condemnation claim filed by Plaintiff, Donna Nuss-Rick.
2. Authorizes the Chief Financial Officer to appropriate \$225,000.00 from 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 Department of Finance to issue a check in the amount of \$225,000.00, made payable to the Law Offices of Catalano & Catalano, APLC Trust Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By *Danna W. Nicholas*
Danna W. Nicholas
Deputy City Attorney

DWN:nmm
October 3, 2019
Or.Dept: City Attorney
CC No. 3000012622
Doc. No.: 2174767

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 22 2019.

ELIZABETH S. MALAND
City Clerk

By *Linda Kruein*
Deputy City Clerk

Approved: 10/24/19
(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 DEPT. 3000012622
NO. 1515

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: _____ \$225,000.00

Vendor: Law Offices of Catalano & Catalano

Purpose: Settlement of Donna Nuss Rick v. City of San Diego, et al., Risk Mgmt Claim No. 18754.

Date: October 2, 2019 By: Justin Byko
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
I	720045			OTHR-00000000-GG	512007	1515	1515000011		\$225,000.00
TOTAL AMOUNT									\$225,000.00

FUND OVERRIDE

3000012622

Passed by the Council of The City of San Diego on OCT 22 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"/>

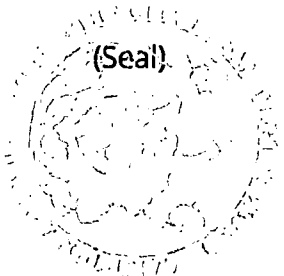
Date of final passage OCT 24 2019.

(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.

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



By Hayley Ready ^{for} Linda Irvin Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312715