

RESOLUTION NUMBER R- 312798

DATE OF FINAL PASSAGE DEC 19 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
PLAINTIFF CALIFORNIA CAPITAL INSURANCE
COMPANY AND THE CITY OF SAN DIEGO.

WHEREAS, Plaintiff California Capital Insurance Company filed a complaint, on behalf of their insureds, against the City of San Diego (City) for inverse condemnation on September 11, 2018. Plaintiff alleges property damage caused by a water pipe failure which flooded an apartment complex located at 4055 Hamilton Street, San Diego, California; and

WHEREAS, on November 5, 2019, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 8, and 9; Nays, none; and Absent, 7, approved the settlement of the claim for an amount consistent with the amounts set forth below; NOW THEREFORE

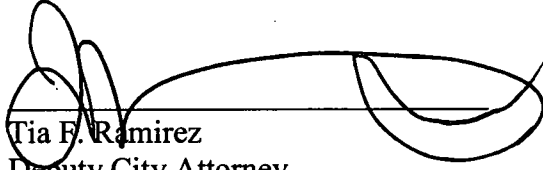
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. A resolution authorizing the Mayor or his designee to pay the sum of \$137,331.37 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 inverse condemnation claim filed by California Capital Insurance Company.

2. Authorizes the Chief Financial Officer to expend \$137,331.37 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 Department of Finance to issue a check in the amount of \$137,331.37, made payable to California Capital Insurance Company.

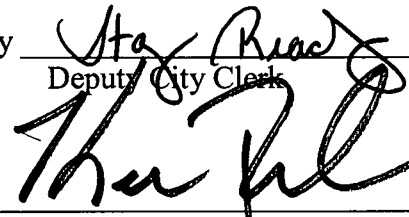

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Tia F. Ramirez
Deputy City Attorney

TFR:slc
November 14, 2019
Or.Dept: City Attorney
CC No. 3000012777
Doc. No.: 2226790

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 17 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

KEVIN L. FAULCONER, Mayor

Approved: 12/19/19
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000012777
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: \$137,331.37 Fund: 700011

Purpose: Settlement of California Capital Insurance Company v. City of San Diego, SDSC 37-2018-00045690-CU-NP-CTL, Claim No. 14713

Date: November 26, 2019 By: Jessica Tran

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 | Non-Program | | OTHR-00000000-WU | 512007 | 2000 | 2000211101 | | \$137,331.37 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | \$137,331.37 |

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: _____

Vendor: _____

Purpose: _____

Date: _____ By: Jessica Tran

COMPTROLLER'S DEPARTMENT

| ACCOUNTING DATA | | | | | | | | | |
|-----------------|------|----------------|----------------|-----------------|-------------|---------------|-------------|-----|-----------------|
| Doc. Item | Fund | Funded Program | Internal Order | Functional Area | G/L Account | Business Area | Cost Center | WBS | Original Amount |
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| TOTAL AMOUNT | | | | | | | | | |

FUND OVERRIDE

Passed by the Council of The City of San Diego on DEC 17 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 DEC 19 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 *Hayley*, Deputy

Office of the City Clerk, San Diego, California

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