

RESOLUTION NUMBER R- 312869

DATE OF FINAL PASSAGE FEB 26 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
VINCENT E. BENSTEAD AND THE CITY OF SAN DIEGO

WHEREAS, on February 20, 2019, VINCENT E. BENSTEAD filed a claim against the City of San Diego [City] alleging property damage arising from a break in the City's water main at Paseo Del Ocaso in La Jolla; and

WHEREAS, in Closed Session on December 10, 2019, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, and 9; Nays, None; and Absent, 7 and 8, approved the Settlement for an amount consistent with the amounts set forth below; NOW, THEREFORE,

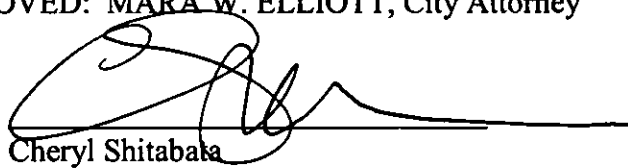
BE IT RESOLVED, by the Council of the City of San Diego that the Council:

1. Authorizes the Mayor or his designee to pay the sum of \$161,231.21 from Fund 700000, Muni Sewer Revenue Fund, 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 Vincent Benstead; and
2. Authorizes the Chief Financial Officer to expend \$161,231.21 from Fund 700000, Muni Sewer Revenue Fund, 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; and

3. Authorizes the Department of Finance to issue a check in the amount of \$161,231.21, made payable to Vincent E. Benstead.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Cheryl Shitabata
Deputy City Attorney

CS; jj
January 21, 2019
CC No. 3000012945
Or.Dept: City Attorney
Doc. No.:2295234

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of Feb. 24, 2020

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk


KEVIN L. FAULCONER, Mayor

Approved: 2/26/2020
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000012945
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: \$161,231.21

Vendor: Vincent E. Benstead

Purpose: To authorize the expenditure of funds, not to exceed \$161,231.21, to Vincent E. Benstead, for the pre-litigation settlement claim #21676 for property damage.

Date: January 28, 2020 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 | \$161,231.21 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | \$161,231.21 |

FUND OVERRIDE

Passed by the Council of The City of San Diego on FEB 24 2020, 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 FEB 26 2020.

(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 Peterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312869