

RESOLUTION NUMBER R- 313745

DATE OF FINAL PASSAGE OCT 25 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
BANKERS STANDARD INSURANCE COMPANY AND THE
CITY OF SAN DIEGO.

WHEREAS, Bankers Standard Insurance Company filed a complaint against the City of San Diego (City) for inverse condemnation as a subrogation action following a waste water infiltration at their insured's property located at 1606 Clemson Circle, La Jolla, CA on October 23, 2018, which resulted in property damage; and

WHEREAS, on August 3, 2021, the San Diego City Council by the following votes:
(9)Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9; Nays, None; and Absent, None, approved the settlement of the claim 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 \$237,000.00 from Sewer 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 claim filed by State Farm General Insurance Company.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$237,000 from Sewer Fund No. 700000, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By s/Danna W. Nicholas
Danna W. Nicholas
Deputy City Attorney

DWN:nmm
August 6, 2021
Or.Dept:City Attorney
CC No. 3000014305
Doc. No.: 2730523

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 12 2021

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/25/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000014305
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: \$237,000.00

Vendor: Bankers Standard Insurance Company

Purpose: This item is a settlement of complaint for inverse condemnation litigation filed by Bankers Standard Insurance Company, as subrogee of its insured, Mr. & Mrs. Stopler, for damages involving a waste-water infiltration in the La Jolla neighborhood on October 23, 2018, in San Diego, California, Risk Claim No. 21958.

Date: September 23, 2021 By: Leana Chan

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	20001800001	N/A	\$237,000.00
TOTAL AMOUNT									\$237,000.00

Passed by the Council of The City of San Diego on OCT 12 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 25 2021.

(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:

TODD GLORIA
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

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