

#116  
11/01/22

(R-2023-155)

RESOLUTION NUMBER R- 314423

DATE OF FINAL PASSAGE NOV 14 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE FINAL SETTLEMENT  
BETWEEN CONGREGATION BETH EL AND THE CITY OF  
SAN DIEGO.

WHEREAS, on December 15, 2020, Plaintiff Congregation Beth El of La Jolla filed suit against the City of San Diego, alleging property damage from stormwater infiltration in November 2019, when water escaped the stormwater pipe and undermined portions of the parking lot. The suit is entitled *Congregation Beth El of La Jolla v. City of San Diego*, San Diego Superior Court Case No. 37-2020-00045897-CU-PO-CTL (“the Litigation”); and

WHEREAS, in closed session on September 13, 2022, the San Diego City Council, by the following votes: Yeas, Districts 1, 3, 4, 5, 6, 7, and 9; Nays, none; Absent, 2 and 8, approved the settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City Staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. Authorizes the Mayor or his designee to pay the sum of \$75,000.00 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 the City of San Diego, its agents, and employees, arising from Congregation Beth El of La Jolla’s inverse condemnation claim; and

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$75,000 from Public Liability Fund No. 720045, for purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

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

DWN:jmh  
September 22, 2022  
Or Dept: City Attorney  
Doc. No. 3095965

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 01 2022.

ELIZABETH S. MALAND  
City Clerk

By *Kristelle Medina*  
Deputy City Clerk

Approved: 11/10/22  
(date)

*Todd Gloria*  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 01 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 NOV 14 2022.

**(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 *Kristell Medina*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 314423