

RESOLUTION NUMBER R- 314539DATE OF FINAL PASSAGE DEC 16 2022A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN HUGH WARD, ET AL. AND THE CITY OF SAN
DIEGO.

WHEREAS, on January 13, 2021, Plaintiffs Hugh Ward, Rosemary Ward, Patrick Ward, Brian Ward, and Ciaran Ward ("Plaintiffs"), filed suit against the City of San Diego alleging real and personal property damage arising from a failed water supply line owned and operated by the City that occurred on January 19, 2019. The suit is entitled *Hugh Ward, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2021-00001323-CU-EI-CTL; and

WHEREAS, in closed session on November 1, 2022, the City Council, by the following votes: Yeas, Districts 2, 3, 4, 5, 6, and 9; Nays, none; Absent, 1, 7, 8, approved the settlement of Plaintiffs' claims for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement agreement;

WHEREAS, the Office of the City Attorney has drafted this resolution based on 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 \$550,000 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 Litigation.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$550,000 from Water Fund No. 700011, for purpose of settling the Litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Benjamin P. Syz
Benjamin P. Syz
Deputy City Attorney

BPS:
November 7, 2022
Or.Dept: City Attorney
CC No. "INSERT Comptroller's Certificate #"
Doc. No. 3124137

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 13 2022

ELIZABETH S. MALAND
City Clerk

By Kristell Medina
Deputy City Clerk

Approved: 12/15/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

DEPT.
NO.:

3000015265

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: _____ 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 |
| | | | | | | | | | |
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| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| 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: \$550,000.00

Vendor: Hugh Ward

Purpose: Settlement of Hugh Ward, et al. v City of San Diego, San Diego Superior Court Case No. 37-2021-00001323-CU-EI-CTL, Claim No. 21444.

Date: November 15, 2022 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 |
| 1 | 700011 | | | OTHR-00000000-WU | 512007 | 2000 | 2000211101 | | \$550,000.00 |
| | | | | | | | | | |
| | | | | | | | | | |
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| | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | \$550,000.00 |

CC-361 (REV 7-09)

FUND OVERRIDE ☐

3000015265

Passed by the Council of The City of San Diego on DEC 13 2022, 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"/> |
| Kent Lee | <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 DEC 16 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 , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314539