

RESOLUTION NUMBER R- **315311**

DATE OF FINAL PASSAGE **JAN 29 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
APOLINARIO CHAN AND THE CITY OF SAN DIEGO

WHEREAS, on July 6, 2022, Plaintiffs filed suit in San Diego Superior Court against the City of San Diego alleging property damage as a result of a flooding incident that occurred at 520 29th Street on September 24, 2021. The suit is entitled *Apolinario Chan, et al. v. City of San Diego*, Case No. 37-2022-00026440 CU-EI-CTL (Litigation); and

WHEREAS, in Closed Session on December 11, 2023, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 5, 6, 7, 8 and 9; Nays, None; Absent, None; and District 4 Vacant; approved settlement of the Litigation for \$75,000.00; NOW THEREFORE,

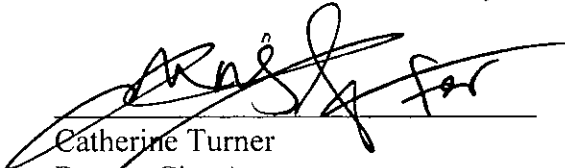
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

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 City of San Diego, its agents and employees, arising from the Litigation.

2) Authorize the Chief Financial Officer to expend an amount not to exceed \$75,000.00
from Public Liability Fund No. 720045, for the purpose of settling this Litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Catherine Turner
Deputy City Attorney

CLBT:jn
December 11, 2023
January 22, 2024, COR. COPY
Or.Dept: City Attorney
CC No. 3000016396
Doc. No. 3502181

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this
meeting of JAN 23 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 1/29/24

(date)


TODD GLORIA, Mayor

Vetoed: _____

(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000016396
DEPT. NO. 1211

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: \$75,000.00

Purpose: Settlement of Apolinario Chan, et al. v. City of San Diego, San Diego Superior Court Case No. 37-2022-00026440 CU-EI-CTL, Risk Claim No. 28140

Date: January 5th 2024

Lauren Rehkopf *Lauren Rehkopf*

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045	NON-PROGRAM		OTHR-00000000-GG	512007	1515	1515000011		\$75,000.00
TOTAL AMOUNT									\$75,000.00

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: _____

COMPTROLLER'S DEPARTMENT

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

FUND OVERRIDE ☐

Passed by the Council of The City of San Diego on JAN 23 2024, 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"/>
District 4 - vacant	<input 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 JAN 29 2024.

(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)

DIANA I.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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