103 7-27-24

(R-2024-288)

RESOLUTION NUMBER R- 315381

DATE OF FINAL PASSAGE MAR 0.4 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN BARUCH EZAGUI AND THE CITY OF SAN DIEGO.

WHEREAS, on May 7, 2023, Baruch Ezagui filed a claim against the City of San Diego alleging property damage arising from a blockage in the City's sewer main at or near Hidden Valley Road; and

WHEREAS, on July 18, 2023, the City of San Diego issued a partial payment towards the settlement of the claim in the amount of \$50,000.00; and

WHEREAS, in Closed Session on January 8, 2024, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 5, 6, 7, 8 and 9; Nays, None; and District 4, Vacant, 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 total sum of \$170,162.90, minus the \$50,000.00 partial payment, for the sum of \$120,162.90 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 claim for property damage filed by Baruch Ezagui.

APPROVED: MARA W. ELLIOTT, City Aftorn	ney
Dave E. Abad Deputy City Attorney	
DEA:sr	
January 8, 2024	•
Or. Dept: City Attorney CC No. 3000016482	
Doc. No. 3522138	
I certify that the foregoing Resolution was passed meeting of FEB 2 7 2024	d by the Council of the City of San Diego, at this
meeting of	
	DIANA J.S. FUENTES
	City Clerk
	By Connie Patterson Deputy City Clerk
Approved: 3 14 124 (date)	TODD GLORIA, Mayor
Vetoed:	
(date)	TODD GLORIA, Mayor

Authorizes the Chief Financial Officer to expend \$120,162.90 from Sewer Fund

2.

No. 700000, for the purpose of settling this claim.

The City of San Diego COMPTROLLER'S CERTIFICATE

HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the reason, or is anticipated to come into the Treasury, and is otherwise unallotted. Purpose:					CERTIFICATE C	F UNALLOT	TED BALA	ANCE		3000016482
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Doc, Item Fund Funded Program Internal Order Functional Area Gift, Account Area Cost Center WBS Original Amount TOTAL AMOUNT FUND OVERRIDE CERTIFICATION OF UNENCUMBERED BALANCE HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached esolution, 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, ir conformity with the recuirements of the Charter of the City of San Diego; and I do hereby further certify, ir conformity with the requirements of the Charter of the City of San Diego; and I do hereby further certify, ir conformity with the requirements 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 noneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered. Set to Exceed: S120,162.90 Vendor: Baruch Ezagui To authorize the expenditure of funds, not to exceed \$120,162.90, for the settlement of property damage of Baruch Ezagui, Claim 33416. Date: February 7, 2024 By: Elizabeth Warmock Curabeth Warmock Compriso Light Scenariment ACCOUNTING DATA ACCOU	Date:							. By:	COMPTROLLER'S DEF	PARTMENT
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Purpose: To authorize the expenditure of funds, not to exceed \$120,162.90. for the settlement of property damage of Baruch Ezagui, Claim 33416. Date: February 7, 2024 By: Elizabeth Warnock Comptrolless department ACCOUNTING DATA Doc. Item Fund Funded Program Internal Order Functional Area G/L Account Area Cost Center WBS Original Amount 1 700000 Non-Program N/A OTHR-00000000-SU 512007 2000 2000180001 N/A \$120.162.90	confo contra to the mone	rmity with act, that s credit of ys anticip	the requiremen ufficient moneys the appropriatio	ts of the Chart to meet the o n from which tl	er of the City of San bligations of said cor he same are to be dr y, to the credit of said	Diego, that s ntract are act awn, and tha d appropriatio	sufficient in the said the sai	moneys have been ne Treasury, or are I money now actual	appropriated for the anticipated to come lly in the Treasury, to	purpose of said into the Treasury.
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CC-361 (REV 7-09)

FUND OVERRIDE

3000016482

Passed by the Council of The C	ity of San Diego	on <u>F</u>	EB 27 2024	_, by the following vote
Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	\angle			
Jennifer Campbell	Z			
Stephen Whitburn				
District 4 - vacant				
Marni von Wilpert	\mathbb{Z}			
Kent Lee	\angle			
Raul A. Campillo	\mathbb{Z}			
Vivian Moreno	N .			
Sean Elo-Rivera	Z			
Date of final passage MAF (Please note: When a resolution date the approved resolution)	tion is approved was returned	d by the Ma to the Offic	yor, the date of e of the City Cle	final passage is the erk.)
			TODD GL	ORIA
AUTHENTICATED BY:		Мауог	r of The City of Sa	an Diego, California.
			DIANA J.S. FU	
(Seal)		City Cler	k of The City of S	an Diego, California.
		Ву 🕼	rrie Par	Leaso Deputy
		Office of the	City Clerk, San D	iego, California
		tion Number	2152	