

RESOLUTION NUMBER R- **315381**DATE OF FINAL PASSAGE **MAR 04 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,

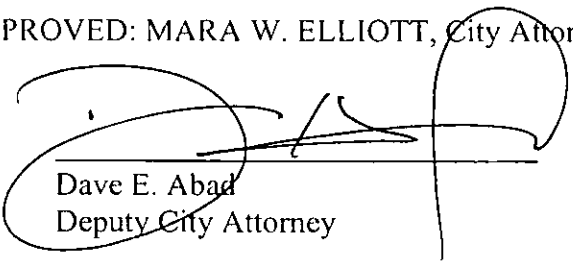
BE IT RESOLVED, by the Council of the City of San Diego, that the Council:

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.

2. Authorizes the Chief Financial Officer to expend \$120,162.90 from Sewer Fund No. 700000, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By


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 by the Council of the City of San Diego, at this meeting of FEB 27 2024.

DIANA J.S. FUENTES
City Clerk

By


Deputy City Clerk

Approved: _____

3/4/24

(date)


TODD GLORIA, Mayor

Vetoed: _____

(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. 3000016482
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
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: \$120,162.90

Vendor: Baruch Ezagui

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 Elizabeth Warnock
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	700000	Non-Program	N/A	OTHR-00000000-SU	512007	2000	2000180001	N/A	\$120,162.90
TOTAL AMOUNT									\$120,162.90

Passed by the Council of The City of San Diego on FEB 27 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 MAR 04 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 J.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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