

RESOLUTION NUMBER R- 316002

DATE OF FINAL PASSAGE JAN 30 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE SETTLEMENT BETWEEN
PHILADELPHIA INDEMNITY INSURANCE COMPANY AND
CITY OF SAN DIEGO

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On December 20, 2023, Philadelphia Indemnity Insurance Company filed a lawsuit against the City of San Diego for inverse condemnation entitled *Philadelphia Indemnity Insurance Company v. City of San Diego*, San Diego Superior Court No. 37-2023-00055073-CU-MC-CTL (Litigation). Plaintiff sought recovery of the sums it paid to its insured, the San Diego Jewish Academy, for water damage to its property following pipe failures.

B. In closed session on December 9, 2024, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, none; approved the settlement of the Litigation for an amount consistent with the amounts set forth below and under such other terms more fully set forth in the Settlement Agreement.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. Authorizes the Mayor or his designee to pay the sum of \$165,000.00 from the Water Utility Operating Fund No. 700011 in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against the City, its agents, and employees, arising from the Litigation.

2. Authorizes the Chief Financial Officer to appropriate and expend an amount not to exceed \$165,000.00 from the Water Utility Operating Fund No. 700011 for the purpose of settling this Litigation.

APPROVED: HEATHER FERBERT, City Attorney

By Heather R. Whitehead
Heather R. Whitehead
Deputy City Attorney

HRW:mgm
December 9, 2024
Or. Dept: City Attorney
CC No. 3000017387
Doc. No. 3898868

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on JAN 28 2025.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 1/28/25
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000017387
DEPT. NO.: 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: _____

Purpose: _____

Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	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: _____ \$165,000.00

Vendor: Philadelphia Indemnity Insurance Company

Purpose: Authorization Request for payment to the Philadelphia Indemnity Insurance Company as settlement to resolve all claims arising from the San Diego Jewish Academy's water pipes broke due to high pressure.

Date: December 27, 2024 By: Vicki Tran

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center	IO or WBS Element	Original Amount
1	Non-Program	700011		512007	OTHR-00000000-WU	2000	2000211101		\$165,000.00
TOTAL AMOUNT									\$165,000.00

FUND OVERRIDE

CC 3000017387

Passed by the Council of The City of San Diego on JAN 28 2025, 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"/>
Henry L. Foster III	<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 JAN 30 2025.

(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.

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

(Seal)

By Linda Irwin, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California

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