

RESOLUTION NUMBER R- 314025

DATE OF FINAL PASSAGE APR 14 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN SAN DIEGO GAS & ELECTRIC AND THE CITY
OF SAN DIEGO

WHEREAS, on July 13, 2020, San Diego Gas & Electric filed suit against the City of San Diego alleging property damage to a 2 inch plastic main arising from an incident that occurred on January 15, 2019, at or near 4737 Hawley Boulevard, San Diego. The suit is entitled *San Diego Gas & Electric v. City of San Diego*, San Diego Superior Court Case No. 37-2020-00024044-CU-PO-CTL; and

WHEREAS, in Closed Session on January 25, 2022, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 5, 6, 7, 8, and 9; Nays, District 4, and Absent, None; approved the Settlement of the Litigation against the City of San Diego for an amount consistent with the amounts set forth below;

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 \$88,153.00 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; and

2) Authorizes the Chief Financial Officer to expend an amount not to exceed \$88,153.00 from Water Fund No. 700011, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By s/Lucy A. Manfre
Lucy A. Manfre
Deputy City Attorney

LAM:slc
February 8, 2022
Or. Dept: City Attorney
CC No. 3000014645
Doc. No.: 2885985

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 05 2022

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 4/14/22
(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.: 3000014645
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: _____ \$88,153.00

Vendor: San Diego Gas & Electric

Purpose: Settlement of San Diego Gas & Electric v. City of San Diego, San Diego Superior Court Case No. 37-2020-00024044-CU-PO-CTL; Risk Claim No. 22819

Date: February 23, 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		\$88,153.00
TOTAL AMOUNT									\$88,153.00

FUND OVERRIDE
3000014645

Passed by the Council of The City of San Diego on APR. 05 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 APR 14 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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314025