

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN MADELYN AND WILLIAM AGUILAR AND THE
CITY OF SAN DIEGO.

WHEREAS, Madelyn and William Aguilar filed a claim with the City of San Diego (City) for damages to their property caused by a clogged storm water channel that occurred on February 28, 2014 and November 1, 2014. The clogged storm water channel caused flooding to their home, which involved loss of personal property, hiring of a restoration company to haul away debris, dry out dry wall, conduct mold testing, hiring of a reconstruction company, moving property out of the home during reconstruction, and living in alternate housing while the construction was underway. Claim No. 9384 was reviewed by City of San Diego's Risk Management; and

WHEREAS, in Closed Session of November 3, 2015, the City Council by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9; Nays, None; and absent, None, approved the settlement of the claim for an amount consistent with the amount set forth below; NOW THEREFORE,

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

1. The sum of \$500,000 to be paid from the Public Liability Fund, Fund 720045, in full and final settlement of each and every claim for damages, interest, costs and fees of any type, including attorney's fees, against the City, its agents and employees, arising from the property damage claim of Madelyn and William Aguilar.

2. Authorizing the Chief Financial Officer to expend the amount of \$500,000 from the Public Liability Fund, Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. Authorizing the Comptroller to issue one check in the amount of \$500,000 made payable to Madelyn and William Aguilar.

APPROVED: JAN I. GOLDSMITH, City Attorney

By _____
Stacy J. Plotkin-Wolff
Deputy City Attorney

SJP:yp
November 23, 2015
Or.Dept: Risk Management
CC No. 3000008374
Doc. No.: 1175668

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor