

RESOLUTION NO. 214332

SEP 25 1975

WHEREAS, Loren W. McCannon was employed in the Unclassified Service of The City of San Diego as Director of the Engineering and Development Department and relocated from Long Beach, California to San Diego in March 1975 to accept the position; and

WHEREAS, said Loren W. McCannon on May 9, 1975 tendered his resignation to the City Manager with the understanding that it was to be effective May 23, 1975 and with the further understanding that in accordance with the desires of the City Manager, he would immediately relinquish his office and be relieved of all duties and authority; and

WHEREAS, the payroll was prepared to reflect that said Loren W. McCannon was a City employee through May 23, 1975 as agreed on; and

WHEREAS, the Auditor & Comptroller is of the opinion said Loren W. McCannon cannot be carried as a City employee after May 9, 1975 when he was relieved of his duties and has ordered said payroll to be corrected accordingly; and

WHEREAS, said Loren W. McCannon has filed a claim with The City of San Diego, a copy of which claim is attached hereto as "Exhibit A"; and

WHEREAS, a Director to succeed said Loren W. McCannon was not appointed until after May 23, 1975; and

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WHEREAS, it is in the public interest that the understanding between the City Manager and said Loren W. McCannon that the latter was to be paid through the date of his resignation be ratified and said amount claimed to be due be authorized to be paid in consideration of his agreement to physically vacate his office and relinquish his authority and duties and in compensation for the inconvenience he was caused by having just relocated to San Diego from Long Beach only two months earlier; NOW, THEREFORE,

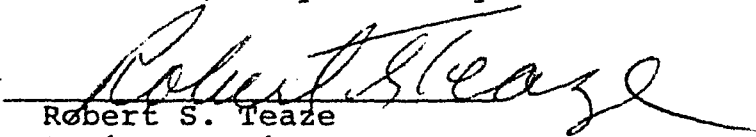
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. In consideration of the recitals set forth above, the claim of Loren W. McCannon, attached hereto as "Exhibit A," be and the same is hereby approved.

2. The sum of \$1,142.40 be and the same is hereby authorized to be paid to said Loren W. McCannon out of Fund 100 (Dept. 3910, Object Acct. 3295).

APPROVED: JOHN W. WITT, City Attorney

By

  
Robert S. Teaze  
Assistant City Attorney

RST:rb 316 X-044  
Orig. Dept.: City Mgr  
Aud. Cert. # 7129

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CITY CLERK'S OFFICE

CLAIM AGAINST THE CITY OF SAN DIEGO

1975 JUN 27 PM 4:22

SAN DIEGO, CALIF

Claim must be filed with the City Clerk within 100 days after incident occurred. Where space is insufficient, please use additional paper and identify information by paragraph number. When claim is completed mail to: CITY CLERK, 202 C Street, San Diego, Ca. 92101

CLAIMANT

NAME LOREN W. McPANNON  
ADDRESS 6557 JAFFE COURT #6  
SAN DIEGO, CALIF 92119  
TELEPHONE NO. 464-1786

THE HONORABLE MAYOR and CITY COUNCIL  
San Diego, California

GENTLEMEN:

The undersigned respectfully submits the following claim and information:

1. Post Office address to which claimant desires notices to be sent if other than above:

N/A

2. Date, place and time of occurrence or transaction which claim arises from:

DATE: CITY PAY PERIOD 5/9 - 5/23/75 TIME: OF PERMANENT - 4:30 P.M 5/9/75

PLACE: CITY ADMINISTRATION BLDG. - CITY MANAGER'S OFFICE

3. Specify the particular act or omission and circumstances you claim caused injury and/or damage:

FAILURE OF CITY OF SAN DIEGO TO PAY SALARY AND  
WAGES TO ME FOR ABOVE NOTED PAY PERIOD  
PURSUANT TO ORAL AGREEMENT WITH CITY MANAGER,  
ASST CITY MANAGER & DEPUTY CITY MANAGER AT  
MEETING HELD IN CITY MANAGER'S OFFICE MAY 9, 1975  
(SEE ATTACHED LETTER)

4. Amount of reimbursement claimed as damages with computation and supporting paid bills, receipts or estimates of cost (please attach papers to claim):

GROSS SALARY IN \$ 1,142.40  
(SEE ATTACHED LETTER)

COPY TO: CITY ATTORNEY  
EMPLOYEE SERVICES

DATE JUN 30 1975

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EXHIBIT A

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5. Name and address of witnesses, doctors, hospitals, etc.

NAME

ADDRESS

TELEPHONE

1. JOHN LUCKWOOD DEPUTY CITY MANAGER 236-5943

2. MIKE GRAHAM ASST CITY MANAGER 236-5945

3. VARIOUS EMPLOYEES - ENGINEERING + DEVELOPMENT DEPT  
CITY OF SAN DIEGO. 236-6090

6. Description of personal injury. If there was no personal injury, state "NONE":

NONE

7. Name of any other person injured: NONE

Address of injured person: \_\_\_\_\_

8. Description of property damaged: NONE

9. Owner of property damaged: -

Location of property damaged: -

10. Any additional information that might be helpful in considering claim: \_\_\_\_\_

(SEE ATTACHED LETTER)

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

SIGNED THIS 12th day of JUNE 19 75 at SAN DIEGO, CALIFORNIA

Frank J. Cannon  
CLAIMANT'S SIGNATURE

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Office of the City Clerk, San Diego, California

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DOCUMENT NO 751765

FILED JUN 30 1975

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1975 JUN 27 PM 4: 22

SAN DIEGO, CALIF.

Loren W. McCannon  
6557 Jaffe Court #6  
San Diego, CA 92119

June 12, 1975

City Clerk  
(Via John Lockwood, Deputy City Manager)  
City of San Diego  
City Administrative Bldg.  
202 "C" Street  
San Diego, California 92101

Re: Claim for Salary and Wages

Dear Sir:

I herewith submit a claim on the City of San Diego in the amount of \$1,142.40 for salary and wages owed to me but not paid.

On May 9, 1975, at a meeting attended by City Manager, Hugh McKinley, Assistant City Manager, Mike Graham and Deputy City Manager John Lockwood, I tendered my resignation as Director, Engineering and Development Department--to be effective May 23, 1975, with the understanding by all parties that I would not be working during the said two week period--but that I would receive full pay.

I arranged for an associate to deposit my check on May 30th (for the pay period ending May 22, 1975). I was not advised until four days later that the check was for only one day. This caused me much financial embarrassment, since I had written checks on the assumption that full payment would be made pursuant to the oral agreement.

Subsequently, there have been a number of telephone discussions with Deputy City Manager, John Lockwood and City Auditor, William Sage. The problem appears to be procedural. I can demonstrate from my calendar and by testimony of many associates in my former department that I had overtime well in excess of the two weeks time involved at my termination.

There is no question but that the City Manager's office wishes to live up to the oral agreement of May 9, 1975. However, the failure of the City of San Diego to pay me in accordance with that agreement has caused me great mental distress, financial embarrassment and considerable inconvenience.

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CITY MANAGER

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City Clerk  
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1975 JUN 27 PM 4:23

June 12, 1975

SAN DIEGO, CALIF.

I would appreciate immediate attention to this matter in order that I can proceed with other personal and business matters.

Sincerely,

  
Loren W. McCannon

LWM/hb

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# CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

## CERTIFICATION OF UNALLOTTED BALANCE

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 \_\_\_\_\_

Auditor and Comptroller of  
The City of San Diego, Calif.

Date \_\_\_\_\_, 19 \_\_\_\_\_

By \_\_\_\_\_

## 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 moneys 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 \$ 1,142.40

Dated September 23, 19 75

*W. E. Sage*

Auditor and Comptroller of  
The City of San Diego, Calif.

BY *C. M. Heugan*

Job Order  
Resolution No.

Fund 100 Prog./Elem. 3910 Object 3295 Project No. \_\_\_\_\_

Purpose Agreement in consideration to terminate as of 5/9/75

Vendor Loren W. McCannon

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**01940**

**MAY 18 1978**

CERTIFICATE NO. 7129

**SEP 25 1975**

SEP 25 1975

Passed and adopted by the Council of The City of San Diego on  
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Kathleen Masteney*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **214332** Adopted **SEP 25 1975**

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