

RESOLUTION NO. R- 251820 MAY 13 1980

WHEREAS, the California Supreme Court, in the case of Ducey v. Argo Sales Co., 25 Cal.3d 707, ruled that a public entity could be held liable for its failure to erect a median barrier to protect drivers from injury or damages in cross-median accidents, even where said drivers were utilizing the public property without due care; and

WHEREAS, said judicially imposed liability is specifically contra to the intent of the Legislature in Government Code Section 830(a); and

WHEREAS, the extension of liability of the public entities contra to the specific intent of the Legislature imposes upon the public entity an impossible burden requiring said entity to build roadways in a manner which would safeguard even the most negligent use thereof regardless of the expense or practicability of said design; NOW, THEREFORE,

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

1. The City of San Diego does hereby support Senate Bill 1543 and instructs the City Attorney and Legislative Representative to do everything possible to aid in the passage of said bill.

2. The City of San Diego hereby encourages the County of San Diego and all other public entities to join in the support of said Senate Bill 1543.

APPROVED: JOHN W. WITT, City Attorney

By


Robert S. Teaze
Assistant City Attorney

RST:rc:046

5/12/80

Or. Dept.: Rules

MAY 15 1980

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Beridge, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-251820 Adopted MAY 15 1980