

RESOLUTION NUMBER R-295131

ADOPTED ON JUL 9 2001

WHEREAS, in Closed Session on April 3, 2001 and May 8, 2001, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 7 and the Mayor, Nays, None, Vacant, Districts 6 and 8, approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$800,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 729695, *Jorge Garcia DeLeon, et al. v. City of San Diego, et al.* resulting from personal injury claims of Jorge Garcia DeLeon, Tomas Aguilar Morales and Tecle M. Gebremedhin, as a result of an incident which occurred on June 13, 1998.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$500,000, made payable to Gabriela Posada Bosain and attorneys of record Girardi and Keese Law Firm.

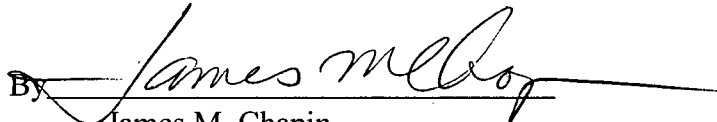
BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$150,000, made payable to Tomas Aguilar Morales and attorneys of record John T. Richards.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$150,000, made payable to Tecle M. Gebremedhin and attorneys of record Michael F. Armstrong.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 81140,

Public Liability Reserve Fund.

APPROVED: CASEY GWINN, City Attorney

By   
James M. Chapin  
Senior Deputy City Attorney

JMC:vtc:Civ.

June 29, 2001

Aud.Cert: AC2200020

Or.Dept: Risk Managemenet

R-2002-47

Form=claimr.frm

**The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2200020  
ORIGINATING DEPT. NO.: 81104/81140

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: \_\_\_\_\_

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	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 \$ 800,000.00

Vendor Gabriela Posada Bosain and Attorneys of Record Girardi and Keese Law Firm, Tomas Aguilar Morales and Attorney John T. Richards, Tecle M. Gebremedhin and Attorney Michael F. Armstron

Purpose To authorize the expenditure of fund for settlement of personal injury claims of Jorge Garcia

Deleon et al

Date 6/27/01 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
001	0	81140	81140		4823	081141				\$800,000.00
TOTAL AMOUNT										\$800,000.00

FUND OVERRIDE

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM  
MS 59**

**533-5800**

**DATE:** June 29, 2001  
**TO:** Lori A. Witzel  
**FROM:** City Attorney  
**SUBJECT:** Settlement of Personal Injury Claims of Jorge Garcia DeLeon, et al.  
Superior Court Case No. 729695

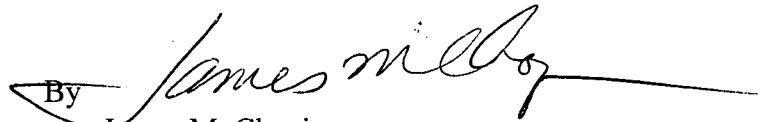
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Attached please find a resolution (R-2002-47) setting forth the approval of the City Council in Closed Session on April 3, 2001 and May 8, 2001. The Auditor's Certificate was not requested prior to Council action in Closed Session. The vote taken in Open Session shall be the official vote.

Pursuant to the requirements, it is appropriate for this resolution to be placed on a Council docket under CONSENT AGENDA for Council adoption confirming the Council's action in Closed Session.

It is, therefore, requested that it be calendared for the next available docket.

CASEY GWINN, City Attorney

By   
James M. Chapin  
Senior Deputy City Attorney

JMC:vtc:Civ.  
Attachment/Enclosure  
cc: Peter Yee  
Michael Gomez

R-295131