

○ #112

(R-2002-56)

RESOLUTION NUMBER R- 295154

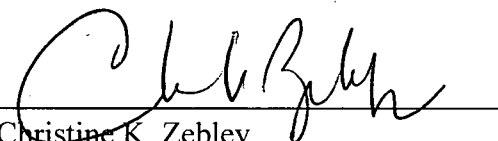
JUL 16 2001

ADOPTED ON _____

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 sum of \$77,722.54 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIC 751861, *John Garcia v. City of San Diego*, resulting from personal injury to Plaintiff, a forty-four year-old, Hispanic, male water utility worker. In his lawsuit, he alleges race, gender, age, and disability discrimination, and retaliation in the promotional examination process for Water Utility Supervisor (WUS).

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue a check in the amount of \$65,000.00, made payable to plaintiff and attorney of record in full settlement of all claims, and another check in the amount of \$12,722.54 to plaintiff for back pay.

APPROVED: CASEY GWINN, City Attorney

By 
Christine K. Zebley
Deputy City Attorney

dmt.civ L:\ZEBLEY\Litigation Cases Garcia_JMEMOS\Resolution.frm
June 29, 2001
Aud.Cert: 2101280
Or.Dept: Risk Management
R-2002-56
Form=claim2r.frm

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2101280
ORIGINATING DEPT. NO.: 084

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 \$ 77,722.54

Vendor John Garcia

Purpose Authorizing the City Manager to pay the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury claim to John Garcia

Date June 15, 2001 By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	41500	760	503	4823	050301				\$77,722.54
TOTAL AMOUNT										\$77,722.54

FUND OVERRIDE

R - 295154

JUL 16 2001

AC 2101280