



RESOLUTION NUMBER R- 301965

DATE OF FINAL PASSAGE OCT 17 2006

A RESOLUTION APPROVING AND FUNDING THE  
SETTLEMENT IN CITY OF SAN DIEGO V. LORAIN E.  
CHAPIN.

WHEREAS, on or about March 21, 2006, the City filed a lawsuit, *City of San Diego v. Loraine E. Chapin*, San Diego Superior Court Case Number GIC 863096 [the Action], asserting violations of California Government Code section 1090 and breaches of fiduciary duty relating to actions allegedly taken by Ms. Chapin while serving as a Deputy City Attorney employed by the City, and also while serving as general counsel for the San Diego City Employees' Retirement System; and

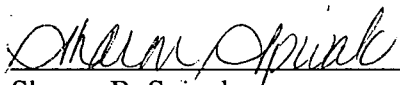
WHEREAS, the City and Ms. Chapin now desire to terminate and settle the Action, on terms including the City's payment to Ms. Chapin of \$74,728.80, representing payment of legal fees and costs incurred by Ms. Chapin in the Action, as set forth in the Settlement Agreement signed by the parties; and

WHEREAS, the Council voted 8-0 in Closed Session on July 24, 2006 to approve the settlement in this case; NOW, THEREFORE,

BE IT RESOLVED, that the Mayor or his designee is authorized and empowered to execute, for and on behalf of the City of San Diego, a Settlement Agreement in the case entitled *City of San Diego v. Loraine E. Chapin* in an amount not to exceed \$74,728.80 under the terms and conditions set forth in the Settlement Agreement to be put on file in the Office of the City Clerk as Document No. RR- 301965.

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$74,728.80 from Fund No. 81140, Department No. 81140, Organization No. 3501, Object Account No. 4141, Job Order No. 081141 is hereby authorized, solely and exclusively for the purpose of providing funds for the agreement contingent upon the City Auditor and Comptroller first furnishing one or more certificates demonstrating that the funds necessary for expenditures are, or will be, on deposit in the City Treasury.


APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:als  
9/25/06  
10/6/06 COR. COPY  
Or.Dept: City Attorney  
R-2007-287  
AC \_\_\_\_\_

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 10, 2006.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10.17.06  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 2700236

ORIGINATING

DEPT. NO.: 045

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: \$74,728.80

Vendor: Loraine E. Chapin

Purpose: Authorizing the expenditure for the settlement agreement previously approved by the City Council in closed session in City v. Loraine E. Chapin, San Diego Superior Court case No. GIC 863096.

Date: September 26, 2006 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	3501	4141	081141					\$74,728.80
TOTAL AMOUNT											\$74,728.80

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2700236

*R* 301965

OCT 10 2006

OCT 10 2006

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

OCT 17 2006

Date of final passage \_\_\_\_\_

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number *R-301965*