(R-2007-287) (COR. COPY) 10/10/06

RESOLUTION NUMBER R-301965

DATE OF FINAL PASSAGE OCT 1 7 2006

A RESOLUTION APPROVING AND FUNDING THE SETTLEMENT IN CITY OF SAN DIEGO V. LORAINE 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

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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 bet 10, 2006.

ELIZABETH S. MALAND
City Clerk

By
Deputy City Clerk

Approved: /(date)

JERRY SANDERS, Mayor

Vetoed: _____(date)

JERRY SANDERS, Mayor

k- 301965

The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

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DEPT. NO.:	045

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(Seal)		City Cle	rk of The City of Sa	n Diego, Californ	nia.
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Office of the City Clerk, San Diego, California

Resolution Number

R-301965