

RESOLUTION NUMBER R- 302034

DATE OF FINAL PASSAGE NOV - 3 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF CLAIM OF CANYON RIDGE BAPTIST CHURCH, INC.

WHEREAS on December 20, 2005, the Canyon Ridge Baptist Church, Inc. and Pastor Christopher Chadwick filed suit against the City of San Diego [City] and various individuals within the City's Park and Recreation Department alleging constitutional violations arising from the City's application of the Park and Recreation Department Fee Schedule. Plaintiffs brought suit in the U.S. District Court, Southern District of California. The suit is styled *Canyon Ridge Baptist Church, Inc. et al. v. City of San Diego, et al.*, Case No 05CV2313 [the Litigation]; and

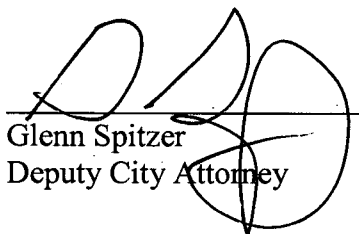
WHEREAS the City in closed session on July 25, 2006 authorized settlement of the Litigation for an amount consistent with the amounts set forth below, NOW THEREFORE,

BE IT RESOLVED by the Council of the City of San Diego that the Council authorizes:

1. The sum of \$110,000.00 to be paid from the Public Liability Fund (81140) in settlement of each and every claim against the City, its agents and employees, arising from the Litigation.
2. The City Auditor and Comptroller to issue a check in the amount of \$52,000.00 payable to Canyon Ridge Baptist Church, Inc.

3. The City Auditor and Comptroller to issue an additional check in the amount of \$58,000.00 payable to Alliance Defense Fund.

APPROVED AS TO FORM: MICHAEL J. AGUIRRE, City Attorney

By  _____
Glenn Spitzer
Deputy City Attorney

CAB:amj
09/01/06
A/C2700192
Or.Dept:Risk Management

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 24 2006.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 11-3-06
(date)

 _____
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R- 302034

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 2700192

ORIGINATING DEPT. NO.: 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: \$110,000.00

Vendor: Canyon Ridge Baptist Church, Inc., and its attorney of record, Timothy D. Chandler

Purpose: Authorizing the expenditure for the settlement of each and every claim against the City resulting from the Property Damage Claim of Canyon Ridge Baptist Church, Inc. and its pastor, Christopher Chadwick.

Date: September 14, 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	3403	4824	081141				\$110,000.00
TOTAL AMOUNT										\$110,000.00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2700192

R - 302034

OCT 24 2006

OCT 24 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV - 3 2006

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number *R- 302034*