

124  
12/5

RESOLUTION NUMBER R- 302179

DATE OF FINAL PASSAGE DEC 15 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF THE PERSONAL INJURY CLAIM OF MICHAEL BARNEY IN THE AMOUNT OF \$125,000.

WHEREAS, in Closed Session on October 10, 2006, by motion of Council Member Madaffer and second by Council Member Frye, the City Council, by the following vote: Yeas, 7; Nays, None; Not Present, Council Member Maienschein, approved the following motion:

To accept Plaintiff Michael Barney's settlement offer in the amount of One-Hundred Twenty-Five Thousand Dollars (\$125,000.00);

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is hereby authorized and empowered to pay the total sum of One-Hundred Twenty-Five Thousand Dollars (\$125,000.00) in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. GIC 853548; *Michael Barney v. City of San Diego*, resulting from a sidewalk cut made by City employees.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is hereby authorized to issue one check in the amount of \$125,000.00, made payable to Michael Barney and his Attorney, Oliver Chami, in full settlement of the lawsuit and of all claims.

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
John Riley  
Deputy City Attorney

JR:my  
10/11/2006  
Or.Dept:Risk  
Aud. Cert: AC2700320  
R-2007-415

I hereby certify that the foregoing Resolution was passed by the Council of the City of San  
Diego, at this meeting of ~~DEC - 5 2006~~

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12-15-06  
(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 2700320

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: \$125,000.00

Vendor: Michael Barriey and his Attorney, Oliver Chami

Purpose: Authorizing the expenditure for the settlement of each and every claim against the City resulting from the Personal Injury Claim of Michael Barney..

Date: October 27, 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	3302	4826	081141					\$125,000.00
TOTAL AMOUNT											\$125,000.00

FUND OVERRIDE ☐

AC-361 (REV 2-92)

AC 2700320

*R* 302179

DEC 05 2006

DEC 05 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"/>

DEC 15 2006

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

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

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- 302179