

RESOLUTION NUMBER R 302692

DATE OF FINAL PASSAGE JUN 13 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF CLAIM OF ROBERT CERVANTES

WHEREAS on August 11, 2006, Robert Cervantes filed suit against the City of San Diego [City] alleging he sustained third degree burns on his left arm and hip area on July 29, 2005 when he was transported to Central Jail in maximum restraints on the floor of a City of San Diego prisoner transport van. Plaintiff brought suit in the San Diego County Superior Court of the State of California. The suit is styled *Robert Cervantes v. County of San Diego, City of San Diego, et al.*, Case No 870718 [the Litigation]; and


WHEREAS, in the Closed Session Meeting of April 17, 2007, in the matter of Robert Cervantes v. City of San Diego (San Diego Superior Court Case No. GIC 870718), the City Council voted 5 to 0 to approve the settlement. The motion was made by Council President Pro Tem Young with a second by Council President Peters. Councilmembers Faulconer, Madaffer and Maienschein were absent.

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

1. The sum of \$100,000.00 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 \$100,000.00 payable to Robert Reynolds Attorney Client Trust Account.

APPROVED AS TO FORM:

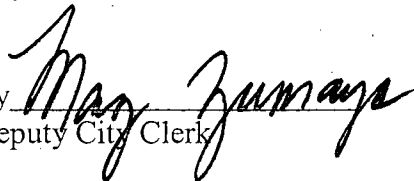
MICHAEL J. AGUIRRE, City Attorney

By 
Jane M. Boardman
Deputy City Attorney

JMB/hm
5/21/07
A/C 2700760
Or.Dept:Risk Management
R-2007-1151

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 05 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6.13.07
(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 2700760

ORIGINATING

DEPT. NO.: 84

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: \$100,000.00

Vendor: Robert C. Cervantes & his attorney of record, Robert J. Reynolds

Purpose: Authorize payment from the public liability fund in settlement for each and every claim against the City, its agents and employees, resulting from the Personal Injury Claim of Robert C. Cervantes. To authorize the City Auditor and Comptroller to issue one check made payable to Robert Cervantes & his attorney of record, Robert J. Reynolds.

Date: May 18, 2007

By: *[Signature]* 5/18/07
 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	3111	4823	81141				\$100,000.00
TOTAL AMOUNT										\$100,000.00

FUND OVERRIDE

AC 2700760