

-111

3/4

RESOLUTION NUMBER R- 303450

DATE OF FINAL PASSAGE MAR 07 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF CLAIMS.

WHEREAS, in Closed Session on November 6, 2007, by motion of Council President Peters and second by Councilmember Frye, the City Council, by the following Vote: Yeas, 5; Nays, None; Not Present, Council President Pro Tem Young and Councilmember Atkins and Hueso, approved the following motion:

WHEREAS on April 10, 1998, Plaintiffs George Isbell, Jr., and G&B Emporia, Inc. [Plaintiffs], filed suit against the City of San Diego [City] alleging violation of First Amendment Rights caused by certain ordinances of the City. Plaintiffs brought suit in the United States District Court for the Southern District of California located in San Diego. The suit is styled *George Isbell, Jr., et al. v. City of San Diego*, Case No 98-CV-688 – IEG [The Litigation], which resulted in a judgment for Plaintiffs, including an award of attorney’s fees. The Litigation was timely appealed, styled as *City of San Diego et al. v. George Isbell, Jr.*, Ninth Circuit Court of Appeals Civil Docket No. 07-56189 [The Appeal].

WHEREAS the City in closed session on November 6, 2007 authorized settlement of the Litigation and the Appeal 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 \$100,000 to be paid from the public liability fund in settlement of each and every claim against the City, its agents and employees, arising from the Litigation and the Appeal.

February 20, 2008
Or Dept: Risk Management
R-2008-692
AC-2800569

2. That the General Public Liability Fund is authorized to issue a check in the amount of \$100,000 payable to George Isbell, Jr., G & B Emporia, Inc., John B. Barriage, Esq.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Robert J. Walters, Deputy City Attorney

RJW:mc

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR - 4 2008, 2008.

ELIZABETH S. MALAND
City Clerk

By 

Deputy City Clerk

Approved:

3-7-08
(date)



JERRY SANDERS, Mayor

Vetoed:

(date)

JERRY SANDERS, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800569
DEPT. NO. 45

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: George Isbell, Jr. and G&B Emporia, Inc.

Purpose: Settlement of Property Damage Claim - Risk Management File: LP98-0010-4641.

Date: February 15, 2008 By: 
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
1	0	81140	81140	3501	4824	081141					\$100,000.00
TOTAL AMOUNT											

AC-361 (REV 2-92)

FUND OVERRIDE

R. 303450

AC 2800569

MAR 04 2008