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3/25

RESOLUTION NUMBER R- 303517

DATE OF FINAL PASSAGE APR 08 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF CLAIM OF SEAN BRENNAN

WHEREAS on February 28, 2007, Sean Brennan filed suit against the City of San Diego [City] alleging he sustained injuries on February 17, 2006 when the vehicle he was driving collided with a San Diego City Fire Department fire truck. Plaintiff brought suit in the San Diego County Superior Court of the State of California. The suit is styled *Sean Brennan v. City of San Diego, et al.*, Case No GIC 880969 [the Litigation]; and


WHEREAS, in the Closed Session Meeting of February 26, 2008, in the matter of Sean Brennan v. City of San Diego (San Diego Superior Court Case No. GIC 880969), the City Council voted 8 to 0 to approve the settlement. The motion was made by Councilmember Atkins with a second by Councilmember Frye.

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

1. The sum of \$160,000.00 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 \$160,000.00 payable to Thorsnes Bartolotta McGuire Client Trust Account re: Sean Brennan.

(R-2008-759)

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

By   
Jane M. Boardman  
Deputy City Attorney

JMB/hm  
03/10/08  
A/C 2800602  
Or.Dept:Risk Management  
R-2008-759

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 25 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4-8-08  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

(R-2008-759)

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

**CERTIFICATE OF UNALLOTTED BALANCE**  
ORIGINATING

AC 2800602  
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: \$160,000.00

Vendor: Thorsnes Bartolotta McGuire Client Trust Account

Purpose: Authorize the Mayor to pay from the Public Liability Fund (81140) the above stated sum in settlement of the Personal Injury Claim of Sean Anthony M. Brennan. Authorize the City Comptroller to issue one check for \$160,000.00 to the Thorsnes Bartolotta McGuire Client Trust Account.

Date: March 6, 2008 By: *Pam Walcott* 3/6/08  
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	3501	4821	081141					\$160,000.00
TOTAL AMOUNT											\$160,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

**R 303517**

**MAR 25 2008**

AC 2800602