

RESOLUTION NUMBER R- 304046

DATE OF FINAL PASSAGE SEP 03 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF THE CLAIMS OF STEVEN A SLOAN, PAUL HUBKA, AND PETER MILLS, JOSEPH A. LOPEZ, WILLIAM D KINGSBURY, AND CURTIS E. PERKINS

WHEREAS on June 29, 2005, Steven A. Sloan, Paul Hubka, and Peter Mills filed suit against the City of San Diego [City] alleging the exclusion of Canine Care Pay from the calculation of retirement benefits for police officers assigned to the Canine Unit. Plaintiffs brought suit in the San Diego County Superior Court of the State of California. The suit is styled *Steven A Sloan, Paul Hubka and Peter Mills v City of San Diego, et al.*, Case No. GIC 848641 [the *Sloan* Litigation]; and

WHEREAS on July 13, 2006, Joseph A. Lopez, William D. Kingsbury, and Curtis E Perkins filed suit against the City of San Diego [City] alleging the exclusion of Motorcycle Care Pay from the calculation of retirement benefits for police officers assigned to the Motors Unit. Plaintiffs brought suit in the San Diego County Superior Court of the State of California. The suit is styled *Joseph A Lopez, William D Kingsbury, and Curtis E Perkins v City of San Diego, et al* , Case No. GIC 869054; and

WHEREAS, in the Closed Session Meeting of June 17, 2008, in the matter of *Steven A Sloan, Paul Hubka and Peter Mills v City of San Diego, et al* , (Case No. GIC 848641), and *Joseph A Lopez, William D Kingsbury, and Curtis E Perkins v. City of San Diego, et al* , (Case No. GIC 869054) the City Council voted 6 to 0 to approve the settlement. The motion was made by Council President Pro Tem Madaffer and the second by Councilmember Huesco. The motion passed 6 to 0 with Council President Peters and Councilmember Young absent

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


1 The sum of \$50,000.00 to be paid from the Public Liability Fund (81140) in
settlement of Paul Hubka's claims against the City, its agents and employees, arising from the
Sloan Litigation

2 The sum of \$223,100 00 to be paid from the Public Liability Fund (81140) for
plaintiffs' attorney's fees and costs in the *Sloan* and *Lopez* lawsuits.

3 The City Auditor and Comptroller to issue a check in the amount of \$50,000 00
payable to Law Office of Michael A Conger, in trust, for the benefit of Paul Hubka, and a check
in the amount of \$223,100 00 made payable to Law Office of Michael A Conger.

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

By




Kristin M. J. Zlotnik
Deputy City Attorney

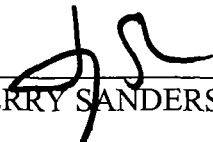
KMJZ/hm
08/11/08
A/C 2900101
Or.Dept Risk Management
R-2009-114

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of **SEP 02 2008**.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-3-08
(date)


JERRY SANDERS, Mayor

Vetoed _____
(date)

JERRY SANDERS, Mayor

(R-2009-114)

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

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2900101
DEPT NO 084

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 \$273,100 00

Vendor Law Offices of Michael A Conger (\$223,100) & Law Office of Michael A Conger, in trust for the benefit of Paul Hubka (\$50,000)

Purpose Authorize the Mayor to pay the sum of \$273,100 00 in settlement of Litigation & Attorney Fees against the City, its agents and employees, resulting from the matter of Sloan Et Al & Lopez Et Al Authorize the City Comptroller to issue two checks , one for \$223,100 and the other for \$50,000 payable to the above stated vendors in the amounts shown

Date August 5, 2008 By *Sam Halbut* 8/5/08
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	4824	081141				\$273,100 00
TOTAL AMOUNT										\$273,100 00

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2900101

R 304046

SEP 02 2008