

3/24

1104

RESOLUTION NUMBER R- 304750
DATE OF FINAL PASSAGE MAR 27 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN ESTATE OF JACOB FAUST, RICHARD FAUST, LYNN FAUST AND STEPHEN HOLLIDAY, BRIAN KEATON, AND THE CITY OF SAN DIEGO, THEIR AGENTS AND EMPLOYEES, IN THE SUM OF THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS

WHEREAS, in Closed Session on November 18, 2008, by motion of Council President Pro Tem Madaffer and seconded by Council President Scott Peters, the City Council voted 7 to 0, with Councilmember Tony Young absent, and approved the following motion:

To approve the settlement agreement of each and every claim against the City of San Diego; Stephen Holliday and Brian Keaton, their agents and employees resulting from the wrongful death claim of Richard Faust, Lynne Faust and the Estate of Jacob R. Faust, San Diego Superior Court Case No. GIC880142.

BE IT RESOLVED, that the City Comptroller be and is hereby authorized to issue a check in the amount of, but not exceeding, \$325,000 made payable to Michael R. Marrinan Trust Account, in full and final settlement of all claims.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to pay the sum of \$325,000 from the Public Liability Fund 81140.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Donald F. Shanahan
Donald F. Shanahan
Chief Deputy City Attorney

DFS:slc
1/13/2009
Or.Dept: City Attorney
AC 2900477
R-2009-768

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 24 2009.

ELIZABETH S. MALAND
City Clerk

By Jana Richardson
Deputy City Clerk

Approved: 3-27-09
(date)

Jerry Sanders
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 2900477
 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: \$325,000.00

Vendor: Michael R. Marrinan Trust Account

Purpose: Authorize the Mayor to pay the sum of \$325,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the wrongful death claim of Richard Faust, Lynne Faust and the Estate of Jacob R. Faust. Authorize the City Comptroller to issue one check to the above stated vendor from the Public Liability Fund (81140).

Date: January 7, 2009

By: *Pam Halbert* 1/7/09
 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	4823	081141				\$325,000.00
TOTAL AMOUNT										\$325,000.00

FUND OVERRIDE

R 304750

MAR 24 2009