

RESOLUTION NUMBER R- 304989

DATE OF FINAL PASSAGE JUN 22 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN JAMES CHAPIN, PENNY CASTLEMAN AND MICHAEL AGUIRRE, AND THE CITY OF SAN DIEGO, THEIR AGENTS AND EMPLOYEES, IN THE SUM OF THREE HUNDRED THOUSAND DOLLARS

WHEREAS, in Closed Session on March 9, 2009, the motion was passed by the City Council, with vote of 7 to 0 with Council President Ben Hueso absent, and approved as follows:

To approve the settlement agreement of each and every claim against the City of San Diego and Michael Aguirre, their agents and employees resulting from the wrongful termination claims of James Chapin and Penny Castleman, United States District Court Case No. 05cv1906 R (POR).


BE IT RESOLVED, that the City Comptroller be and is hereby authorized to issue a check in the amount of, but not exceeding, \$300,000 made payable to the Client Trust Account of Wingert, Grebing, Brubaker & Goodwin, in full and final settlement of all claims.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to pay the sum of \$300,000 from the Public Liability Fund 81140.

1. Authorizing the Mayor to pay the sum of \$300,000.00 in settlement of each and every claim against the City of San Diego and Michael Aguirre, their agents and employees resulting from the wrongful termination claims of James Chapin and Penny Castleman, United States District Court Case No. 05 CV 1906 R (POR).

2. Authorizing the comptroller to issue one check in the sum of \$300,000 made payable to the Client Trust Account of Wingert, Grebing, Brubaker & Goodwin.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Walter C. Chung
Deputy City Attorney

WCC:gb
5/26/2009
Or.Dept: City Attorney
AC 2900784
R-2009-1202

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 16 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6.22.09
(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 2900784

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: _____

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

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: \$300,000.00

Vendor: Client Trust Account of Wingert, Grebing, Brubaker & Goodwin

Purpose: Authorize the Mayor to pay the sum of \$300,000.00 in settlement of each and every claim against the City of San Diego & Michael Aguirre, resulting from the wrongful termination claims of James Chapin & Penny Castleman. Authorize the City Comptroller to issue one check payable to stated vendor from the Public Liability Fund (81140)

Date: May 5, 2009 By: *Pam Halbur* 5/5/09

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	81140	81140	3501	4823	081141				\$300,000.00
TOTAL AMOUNT										\$300,000.00

FUND OVERRIDE

AC 2900784

JUN 16 2009

Q-304989