

RESOLUTION NUMBER R- 305931

DATE OF FINAL PASSAGE JUL 02 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SETTLEMENT OF THE CLAIM OF STERLING GAUFF

WHEREAS on March 13, 2009, Sterling Gauff filed suit against the City of San Diego [City] alleging he sustained injuries to his left knee on August 20, 2008 when he stepped onto a water meter read hole lid which gave way causing him to fall in. Plaintiff brought suit in the San Diego County Superior Court of the State of California. The suit is styled *Sterling Gauff v. City of San Diego, et al.*, Case No 37-2009-00085149-CU-PO-CTL; and

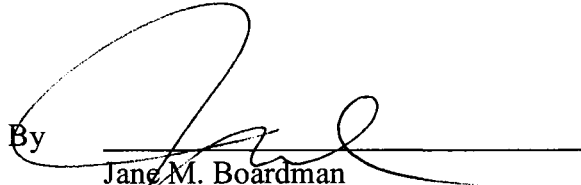
WHEREAS, in the Closed Session Meeting of April 13, 2010, in the matter of Sterling Gauff v. City of San Diego (San Diego Superior Court Case No. 37-2009-00085149-CU-PO-CTL), the City Council passed the following motion with a vote of 8 to 0:

To approve the settlement agreement of each and every claim against the City of San Diego, resulting from the personal injury claim of Sterling Gauff, in San Diego Superior Court Case No. 37-2009-00085149-CU-PO-CTL.

BE IT RESOLVED, that the City Comptroller be and is hereby authorized to issue a check in the amount of, but not exceeding, \$90,000.00 made payable to Sterling Gauff and The Law Offices Andy Van Le & Associates, in full and final settlement of all claims.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to pay the sum of \$90,000.00 from Water Fund 700011.

APPROVED AS TO FORM: JAN I. GOLDSMITH, City Attorney

By 
Jang M. Boardman
Deputy City Attorney

JMB/lla
06/04/10
A/C: CC3000003329
Or.Dept: City Attorney
R-2010-892

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 22 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7.2.10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

CC 300003329

DEPT NO.: 2013

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: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original 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: \$90,000.00

Vendor: Law Offices of Andy Van Le and Sterling Gauff

Purpose: To authorize the expenditure of funds for the settlement of San Diego Superior Court Case No. 37-2009-00085149-CU-PO-CTL.

Date: June 3, 2010

By: Debra Oestreich Debra Oestreich
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	700011			OTHR-00000000-PR	512006	2013	2013130001		\$90,000.00
TOTAL AMOUNT									\$90,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 300003329

R305931

JUN 2 2 2010