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RESOLUTION NUMBER R- 306708

DATE OF FINAL PASSAGE APR 01 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN SAN DIEGANS FOR OPEN GOVERNMENT AND
THE CITY OF SAN DIEGO

WHEREAS, on September 17, 2009, San Diegans for Open Government, filed suit against the City of San Diego [City], challenging City's September 15, 2009, Declaration of a State of Emergency in the Tijuana River Valley due to the potential severe flooding. Plaintiff brought suit in the Superior Court. The suit is entitled *San Diegans for Open Government v. City of San Diego*, Case No. 37-2009-00098375-CU-TT-CTL (SDoG I);

WHEREAS, on October 26, 2010, San Diegans for Open Government, filed a new suit against the City, challenging City's 2010 emergency exemption to clean the same flood control channels in the Tijuana River Valley. Plaintiff brought suit in the Superior Court. The suit is entitled *San Diegans for Open Government v. City of San Diego*, Case No. 37-2010-00103095-CU-TT-CTL (SDoG II) ; and

WHEREAS, in Closed Session on January 11, 2011, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8; Nays District(s) none; and absent, District(s) All Present, approved settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement;
NOW, THEREFORE,


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

1. Authorizing the sum of \$90,000 to be paid from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interests, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from lawsuits entitled *San Diegans for Open Government v. City of San Diego*, San Diego Superior Court Case No. 37-2009-00098395 and *San Diegans for Open Government v. City of San Diego*, San Diego Superior Court Case No. 37-2010-00103095.

2. Authorizing the Chief Financial Officer to appropriate and expend the amount of \$90,000 from the Public Liability Fund, Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. Authorizing the comptroller to issue a check in the amount of \$90,000 made payable to Briggs Law Corporation Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Christine M. Leone
Deputy City Attorney

CML:mcs
2/2/2011
Or.Dept:[Dept]

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 22 2011.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4.1.11
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor