

RESOLUTION NUMBER R- 308622

DATE OF FINAL PASSAGE DEC 24 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN SHIRLEY LOUISE BAIER AND THE CITY OF
SAN DIEGO AND SHARON MARIE SMYTH

WHEREAS, on October 23, 2012, SHIRLEY LOUISE BAIER filed suit against the City of San Diego (City) and Sharon Marie Smyth for personal injuries suffered as the result of a motor vehicle accident on April 20, 2012. Plaintiff brought suit in the Superior Court of the State of California, County of San Diego. The suit is entitled Shirley Louise Baier v. City of San Diego, et. al., Superior Court of California, County of San Diego, Case No. 37-2012-00083990-CU-PA-CTL (Litigation); and

WHEREAS, in Closed Session on October 29, 2013, the City Council, by the following votes:

Yeas, Districts 1,2, 4, 5, 6, 7, 8 and 9; Nays, None and Absent, District 3 approved the Settlement Agreement; and

WHEREAS, the City Council in closed session on October 29, 2013 authorized 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 City Council of the City of San Diego, that the Council authorizes:

1. The sum of \$310,000 to be paid from the Public Liability Fund No. 720045 in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City of San Diego, its agents and employees, and Sharon Marie Smyth arising from the Litigation.

2. The Chief Financial Officer to appropriate and expend \$310,000 from the Public Liability Fund, Fund 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. The Comptroller to issue a check in the amount of \$310,000 payable to Deon Goldschmidt Attorneys APC IOLTA account and Shirley Baier.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Catherine L. Turner
Deputy City Attorney

CLBT:nmm
11/14/2013
Or.Dept: City Atty
CC No. 3000006514
Doc. No.: 663642

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 10 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved pursuant to Charter section 265(i):

Date: _____

TODD GLORIA, Council President

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. CC 3000006514

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	Funcional 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: \$310,000.00

Vendor: Deon Goldschmidt Attorneys APC IOLTA account and Shirley Baier

Purpose: Authorizing the Mayor or his designee to pay the sum of \$310,000 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against the City, its agents and employees, arising from the personal injury claim of Shirley Baier v. City of San Diego.

Date: November 13, 2013 By: *Jaylia Vang*
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Funcional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
	720045				512006	1515	1515000011		\$310,000.00
TOTAL AMOUNT									\$310,000.00

CC-361 (REV 7-09)

FUND OVERRIDE
 CC 3000006514

DEC 10 2013

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Passed by the Council of The City of San Diego on DEC 10 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 24 2013.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT

as interim Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Mary Zuma*, Deputy

Office of the City Clerk, San Diego, California

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