

RESOLUTION NUMBER R- 308675

DATE OF FINAL PASSAGE DEC 20 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
ROBINSON & HARRELL, ET AL. V. CITY OF SAN DIEGO,
ET AL.

WHEREAS, on July 21, 201, SHANNON ROBINSON and DANTE HARRELL filed
suit against the City of San Diego, et al. (City) alleging Assault, Battery, False Arrest, and
Section 1983 violations, arising from an incident that occurred at/near 3500 University Avenue,
San Diego, California on March 30, 2010; and

WHEREAS, Plaintiff brought suit in the United States District Court; the suit is entitled
Robinson & Harrell, et al. v. City of San Diego, et al., United States District Court Case No.
11cv0876 AJB (WVG) (Litigation); and

WHEREAS, in Closed Session on October 29, 2013, the San Diego City Council, by the
following votes: Yeas, District(s) - 1, 2, 4, 5, 6, 7, 8, 9, and Absent, District 3, 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 on file in the
Office of the City Clerk as Document No. RR- 308675; NOW THEREFORE,

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

1. That the Council President, in his capacity under Charter section 265(i), or his
designee, is authorized and directed to sign the settlement agreement pertaining to this lawsuit.
2. Authorizing the Mayor or his designee to pay the sum of \$450,000.00 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, arising from the personal injury claims of Shannon Robinson and Dante Harrell, United States District Court Case No. 11cv0876 AJB (WVG).

3. Authorizing the Chief Financial Officer to appropriate and expend \$450,000.00 from the Public Liability 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.

4. Authorizing the Comptroller to issue three checks as follows:

a) Two hundred seventy-one thousand dollars (\$271,000.00) made payable to Shannon Robinson, Dante Harrell, and Iredale & Yoo.

b) Eighty-nine thousand five hundred dollars (\$89,500.00), made payable to Pacific Life and Annuity Services, Inc.

c) Eighty-nine thousand five hundred dollars (\$89,500.00), made payable to BARCO Assignments, Ltd.

APPROVED: JAN I. GOLDSMITH, City Attorney

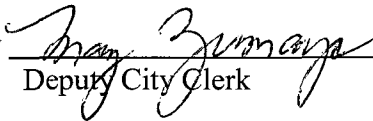
By


Stacy J. Plotkin-Wolff
Deputy City Attorney

SJPW:aml
12/5/2013
Or. Dept: San Diego Police Department
CC No. 3000006549
Doc. No. 679080

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 17 2013.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved pursuant to Charter section 265(i):

12/20/2013
(date)


TODD GLORIA, Council President

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT NO. CC 3000006549

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: \$450,000.00

Vendor: Shannon Robinson, Dante Harrell, and Iredale & Yoo - \$271,000.00
 Vendor: Pacific Life and Annuity Services, Inc. - \$89,500.00
 Vendor: BARCO Assignments, Ltd. - \$89,500.00

Purpose: Authorizing the Mayor or his designee to pay the sum of \$450,000.00 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, arising from the personal injury claims of Shannon Robinson and Dante Harrell.

Date: November 25, 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		\$450,000.00
TOTAL AMOUNT									\$450,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on DEC 17 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 20 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 Zumaya*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308575