Item 106 10-7-14 (R-2015-135)

RESOLUTION NUMBER 309263

DATE OF FINAL PASSAGE OCT 0 8 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN JAMES HEATH, an individual AND THE CITY OF SAN DIEGO

WHEREAS, on December 3, 2012, JAMES HEATH, an individual filed suit against the City of San Diego [City] and City employee John Romero alleging negligence in the operation of a motor vehicle causing injury arising from the collision occurring on June 28, 2012. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled Heath, James v. John Romero, et al.: SDSC 37-2012-00086680-CU-PA-CTL, Case No 37-2012-00086680-CU-PA-CTL; and

WHEREAS, the City Council in closed session on June 17, 2014 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 Council of the City of San Diego that the Council authorizes:

- 1. The sum of \$950,000 to be paid from the Water Utility Operating Fund, Fund No. 700011 in settlement of each and every claim for damáges, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the Litigation.
- 2. The Comptroller to issue checks totaling \$950,000 payable to various parties in various sums as detailed in the settlement agreement.

APPROVED: JAN I. GOLDSMITH, City Attorney

Ву

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Chief Deputy City Attorney

JBC:ctm 9/22/2014

9/22/2014 Or. Dept:

City Attorney's Office

CC No.

3000007230

Doc. No.:

R 2015-135

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of <u>rolor li4</u>.

City Clerk

Deputy City Cler

KEVIN L. FAULCONER, Mayor

Approved: 18 14 (date)

Vetoed:

(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of T	The City of San Diego on	OCT 0 7 2014 , b		y the following vote:	
Councilmembers	Yeas	Nays	Not Present	Recused	
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Todd Gloria	\square				
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AUTHENTICATED BY:		M	KEVIN L. FA (ayor of The City of	AULCONER San Diego, California.	
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(Seal)		City		S. MALAND of San Diego, California.	
		Ву	Seetall &	Deputy, Deputy	
		Office of	the City Clerk, Sa	an Diego, California	

Resolution Number R-

309263