

RESOLUTION NUMBER R- 309280

DATE OF FINAL PASSAGE OCT 28 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
APPROVING THE SETTLEMENT BETWEEN CHRISTOPHER FOLSOM, MURIEL  
FOLSOM, HUNTER FOLSOM, A MINOR, AND THE CITY OF SAN DIEGO

WHEREAS, on April 19, 2013, Plaintiffs Christopher Folsom, Muriel Folsom, and Hunter Folsom, a minor, filed suit against the City of San Diego [City] alleging personal injuries arising from an incident which occurred on March 18, 2012. The suit is entitled *Christopher Folsom, et. al. v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2013-00045200-CU-PA-CTL [Litigation]; and

WHEREAS, in Closed Session on September 16, 2014, the City Council, by the following votes:

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

WHEREAS, the City Council in Closed Session on September 16, 2014, authorized settlement of the Litigation for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

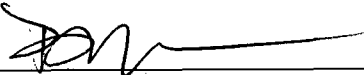
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council authorizes:

1. The Mayor or his designee to pay the sum of \$500,000 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 City of San Diego, its agents and employees, arising from the personal injury claim of Christopher Folsom, Muriel Folsom, and Hunter Folsom, a minor, San Diego Superior Court Case No. 37-2013-00045200-CU-PA-CTL.

2. The Chief Financial Officer to appropriate and expend \$500,000 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 two checks in the amounts of: \$250,000, made payable to Kathryn P. Cooney Attorney Client Trust Account; \$250,000 payable to BHG Structured Settlements, Inc.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
\_\_\_\_\_  
Bonny Hsu  
Deputy City Attorney

BH:mky  
9/19/2014  
Or.Dept: City Atty  
CC No. 3000007286  
Doc. No. 866714

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 21 2014.

ELIZABETH S. MALAND  
City Clerk

By   
\_\_\_\_\_  
Deputy City Clerk

Approved: 10/28/14  
(date)

  
\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

CC 3000007286  
 DEPT. NO. 1515

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: \_\_\_\_\_

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: \_\_\_\_\_ \$500,000.00

Vendor: Christopher & Hunter Folsom

Purpose: Settlement San Diego Superior Court Case No. 37-2013-000-45200-CU-PA-CTL

Date: September 29th, 2014 By: Holly Hernandez

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	720045			OTHR-00000000-GG	512006	1515	1515000011		\$500,000.00
TOTAL AMOUNT									\$500,000.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000007286

OCT 21 2014

R- 309280

Passed by the Council of The City of San Diego on OCT 21 2014, 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"/>
Ed Harris	<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 OCT 28 2014.

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

AUTHENTICATED BY:

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

(Seal)

By *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California

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