

RESOLUTION NUMBER R- 309655

DATE OF FINAL PASSAGE MAY 12 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SETTLEMENT OF ANGELICA
FLORES V. CITY OF SAN DIEGO, ET AL.

WHEREAS, on September 15, 2014, Plaintiffs Angelica C. Flores filed suit against the City of San Diego [City] alleging personal injuries arising from her interaction with former San Diego Police Officer Donald V. Moncrief which occurred on February 4, 2013. The suit is entitled *Angelica Flores v. City of San Diego and Donald V. Moncrief*, Case No. 14cv2202 DMS (DHB); and

WHEREAS, in closed session on March 17, 2015, the City Council, by the following votes:

Yeas, Districts 1, 2, 3, 4, 5, 6, 7, and 9; Nays, District 8, approved the settlement of Angelica Flores' claim for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement agreement; NOW, THEREFORE,

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

1. The Mayor or his designee to pay the sum of \$250,000 from the Public Liability Fund 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 Angelica Flores, United States District Court Case No. 14cv2202 DMS (DHB).

2. The Chief Financial Officer to appropriate and expend \$250,000 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

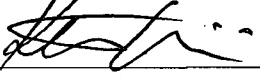
City Treasurer;

3. The Comptroller to issue checks as follows:

a. A check for the amount of seven hundred and seventy thousand, six hundred and fifty one dollars and seventy five cents (\$189,322.86), made payable to "Gilleon Law Firm" for Angelica Flores;

b. A check for the amount of four hundred and seventy nine thousand, three hundred and forty eight dollars and twenty five cents (\$60,677.14), made payable to "Mutual of Omaha Structured Settlement Company" for Angelica Flores.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith W. Phillips
Deputy City Attorney

KWP:my
April 6, 2015
Or.Dept:045
CC No. 3000007730
Doc. No.: 989204

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 28 2015.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/8/15
(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 3000007730
 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: \$250,000.00

Vendor: Gilleon Law Firm Trust Account - \$189,322.86
 Vendor: Mutual of Omaha Structured Settlement Company - \$60,677.14

Purpose: Authorizing to pay the sum of \$250,000 to Angelica Flores 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 property damage claim of Angelica Flores v. COSD, Donald Moncrief, U.S. District Court Case No. 14cv2202 DMS (DHB).

Date: _____ By: Jonathan Alfuentes
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
	720045			OTHR-00000000-GG	512006	1515	1515000011		\$250,000.00
TOTAL AMOUNT									

Passed by the Council of The City of San Diego on APR 28 2015, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 checked="" 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 MAY 12 2015

(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.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Sty Brady*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 309655