

RESOLUTION NUMBER R- 309694

DATE OF FINAL PASSAGE MAY 28 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SETTLEMENT OF GENESSIS
PRECIADO, ET AL. V. CITY OF SAN DIEGO, ET AL.

WHEREAS, on January 30, 2014, Plaintiffs Genesis Preciado and Jorge Montes Pando filed suit against the City of San Diego [City] and Tracy Kinder alleging wrongful death from an incident which occurred on August 8, 2013. The suit is entitled *Genesis Preciado, et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2014-00000863-CU-PA-CTL [Litigation]; and

WHEREAS, in Closed Session on March 24, 2015, the City Council, by the following votes:

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

WHEREAS, the City Council in Closed Session on March 24, 2015, 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 \$185,000 from the Water Utility Operating Fund 700011, 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 wrongful death claim of Genesis Preciado and Jorge Montes Pando, San Diego Superior Court Case No. 37-2014-00000863-CU-PA-CTL.

2. The Chief Financial Officer to expend \$185,000 from the Water Utility Operating Fund 700011, 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: \$185,000, made payable to Estey & Bomberger Client Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

By D.F. Bomberger for
Bonny Hsu
Deputy City Attorney

BH:my
March 24, 2015
Or.Dept: 045
CC No. C3000007746
Doc. No.: 982271

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 12 2015.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 5/28/15
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000007746
DEPT. NO.: 2000

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: \$185,000.00

Vendor: Estey & Bomberger Client Trust Account

Purpose: Settlement of wrongful death claim of Genesis Preciado, et al. v. City of San Diego, et al. Risk Management File No. 8392. SDSCC No. 37-2014-00000863-CU-PA-CTL

Date: _____ By: Christopher Purcell
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	700011	NON-PROGRAM		OTHR-00000000-WU	512004	2013	2013130001		\$185,000.00
TOTAL AMOUNT									\$185,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on MAY 12 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 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 MAY 28 2015

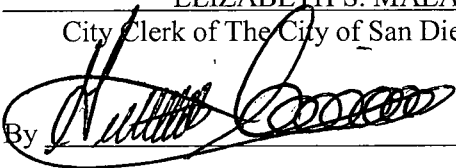
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309694