

RESOLUTION NUMBER R- 309741DATE OF FINAL PASSAGE MAY 28 2015A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
TRAVIS WILKERSON, ANDREW HARLIN AND VICTORIA  
GARCIA AND THE CITY OF SAN DIEGO

WHEREAS, on December 17, 2012, Travis Wilkerson, Andrew Harlin and Victoria Garcia filed suit against the City of San Diego [City], alleging personal injuries arising from an incident which occurred on December 3, 2011. The suit is entitled *Travis Wilkerson, Tyler Wilkerson, Andrew Harlin and Victoria Garcia V. City of San Diego, et al.*, Case No. 12cv2994 WQH (BGS); and

WHEREAS, in Closed Session on April 14, 2015, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 6, and 7; Nays, None; and Absent, 5, 8 and 9, approved the Settlement.

WHEREAS, the City Council in closed session on April 14, 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:

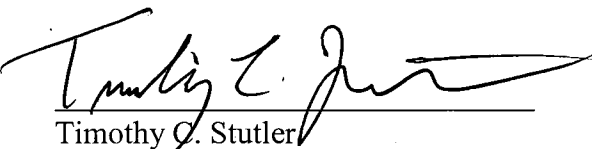
1. Authorizing the Mayor or his designee to pay the sum of \$643,100 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the property damage claim of *Travis Wilkerson, et al. v. City of San*

Diego, et al., United States District Court, Southern District of California Case No. 12cv2994  
WQH (BGS).

2. Authorizing the Chief Financial Officer to appropriate and expend \$643,100 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. Authorizing the Comptroller to issue two checks, each in the amount of \$321,550, and each made payable to Michael R. Marrinan, Attorney, Client Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Timothy C. Stutler  
Chief Deputy City Attorney

TCS/lla  
April 17, 2015  
Or.Dept: City Attorney  
CC: 3000007773  
R-2015-582

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 19 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 5/28/15  
(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 3000007773  
 DEPT. NO. 1611

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: \$643,100.00

Vendor: Michael R. Marrinan, Attorney, Client Trust Account

Purpose: Court Case No. 12cv2994 WQH (BGS)

Date: April 20, 2015 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  |     | \$643,100.00    |
|                 |        |                |                |                  |             |               |             |     |                 |
|                 |        |                |                |                  |             |               |             |     |                 |
|                 |        |                |                |                  |             |               |             |     |                 |
| TOTAL AMOUNT    |        |                |                |                  |             |               |             |     | \$643,100.00    |

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000007773

MAY 19 2015

309741

Passed by the Council of The City of San Diego on MAY 19 2015, by the following vote:

| Councilmembers | Yeas                                | Nays                     | Not Present              | Recused                  |
|----------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Sherr 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 *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309741