

RESOLUTION NUMBER R- 309765

DATE OF FINAL PASSAGE JUN 11 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
BRIAN AND KEVIN HERNANDEZ AND THE CITY OF SAN  
DIEGO

WHEREAS, on March 14, 2014, BRIAN HERNANDEZ and KEVIN HERNANDEZ, individuals filed suit against the City of San Diego [City] alleging personal injuries arising from an incident that occurred at 50<sup>th</sup> and Trojan on or about July 3, 2013. Plaintiffs brought suit in the United States District Court. The suit is entitled *Brian & Kevin Hernandez v. City of San Diego, et al.*, Case No. 14cv0591 GPC (JLB) [Litigation]; and

WHEREAS, in Closed Session on April 28, 2015, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, and 9; Nays 8; and Absent - None, approved the Settlement.

WHEREAS, the City Council in closed session on April 28, 2015, authorized settlement of the Litigation for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

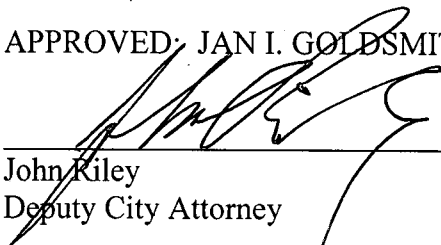
BE IT RESOLVED, by the Council of the City of San Diego that the Council:

1. Authorizes the Mayor or his designee to pay the sum of \$135,000 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 damage claim of *Brian & Kevin Hernandez v. COSD, et al.*, United States District Court Case No. Case No. 14cv0591 GPC (JLB).

2. Authorizes the Chief Financial Officer to appropriate and expend \$135,000 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. Authorizes the Comptroller to issue a check in the amount of \$135,000, made payable to Singleton Law Firm, APC - Hernandez.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
John Riley  
Deputy City Attorney

JER:aml  
May 15, 2015  
CC. 3000007863  
Doc. No.: 999740

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 02 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 6/11/15  
(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 3000007863  
 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: \_\_\_\_\_ \$135,000.00

Vendor: Singleton Law Firm APC-Hernandez

Purpose: Court Case No. 14cv0591 GPC (JLB)

Date: May 13, 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		\$135,000.00
TOTAL AMOUNT									\$135,000.00

FUND OVERRIDE

CC 3000007863

R-309765

Passed by the Council of The City of San Diego on JUN 2 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 11 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 Ferrandiz*, Deputy

Office of the City Clerk, San Diego, California

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