

RESOLUTION NUMBER R- 310041
DATE OF FINAL PASSAGE NOV 03 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
OF MICHELLE TYLER AND KATHERINE RAGAZZINO'S
CLAIMS AGAINST THE CITY OF SAN DIEGO

WHEREAS, on January 10, 2014, Michelle Tyler and Katherine Ragazzino filed a sexual harassment suit in state court against Robert Filner and the City of San Diego alleging injuries arising from a June 11, 2013, meeting Tyler and Ragazzino had with Filner at the Office of the Mayor. The City removed the case to the United States District Court for the Southern District of California. The suit is entitled *Michelle Tyler and Katherine Ragazzino v. City of San Diego and Robert Filner*, USDC case number 14cv01179 GPC (JLB); and

WHEREAS, the parties were ordered by the Court to appear at a Mandatory Settlement Conference on July 15, 2015 during which the City reached a tentative settlement agreement with Tyler and Ragazzino subject to City Council approval; and

WHEREAS, in Closed Session on September 15, 2015, the City Council approved the settlement (Districts 1, 2, 3, 5, 6, 7, and 8 voting yes and Districts 4 and 9 were absent) in the amount set forth below; and

WHEREAS, on September 16, 2015, the Medical Care Recovery Unit of the United States Department of Navy formally demanded direct payment from the City of the federal government's claim for reimbursement of medical services rendered to Tyler in the amount of \$1,245.59. The medical services rendered were related to the alleged physical injuries Tyler sustained as a result of the June 11, 2013, meeting with Filner. The settlement reached at the Mandatory Settlement Conference entitles the City to pay this amount from the settlement proceeds; NOW, THEREFORE,

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

1. Authorizing the Mayor or his designee to pay the sum of \$99,000.00 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 *Michelle Tyler and Katherine Ragazzino vs. City of San Diego, et al.*, USDC case number 14cv01179 GPC (JLB).

2. Authorizing the Chief Financial Officer to appropriate and expend \$99,000 from the Public Liability Fund No. 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 totaling \$99,000.00, made payable to: (1) United States Treasurer in the amount of \$1,245.59; and (2) Michelle Tyler, Katherine Ragazzino, and their attorney, Carla DiMare, for \$97,754.41; however, should the United States abandon its claim for recovery of the \$1,245.59 for medical services rendered to Tyler, the entire \$99,000 shall be made payable to Michelle Tyler, Katherine Ragazzino, and their attorney, Carla DiMare.

APPROVED: JAN I. GOLDSMITH, City Attorney

By:



George F. Schaefer
Lead Deputy City Attorney

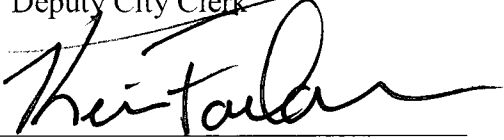
GFS:gcb
10/6/2015
10/22/15 COR. COPY
Or.Dept: City Attorney
CC No. 3000008238
Doc. No.: 1156057

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 27 2015.

ELIZABETH S. MALAND
City Clerk

By: 
Deputy City Clerk

Approved: 11/2/15
(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 3000008238
 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: _____ \$99,000.00

Vendor: United States Trasurer for \$1,245.59, and Michelle Tyler, Kathering Ragazzino & their attorney, Carla DiMare for \$97,754.41

Purpose: USDC Case No 14cv00179 GPC (JLB)

Date: September 29, 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		\$99,000.00
TOTAL AMOUNT									\$99,000.00

Passed by the Council of The City of San Diego on OCT 27 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 03 2015.

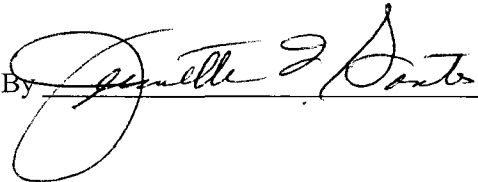
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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- 310041