

RESOLUTION NUMBER R- 310135

DATE OF FINAL PASSAGE DEC 11 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN JANET WILLIAMSON AND THE CITY OF SAN
DIEGO

WHEREAS, on September 17, 2014, JANET WILLIAMSON filed suit against the City of San Diego [City] for personal injuries suffered as the result of trip and fall over a San Diego City temporary water highline pipe on January 24, 2013. Plaintiff brought suit in the Superior Court of California, County of San Diego. The suit is entitled Janet Williamson v. City of San Diego, San Diego Superior Court Case No. 37-2014-00031371-CU-PO-CTL [Litigation]; and

WHEREAS, in Closed Session on September 22, 2015 the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, and 8 approved the Settlement Agreement; and Nays, None; Councilmember(s) Absent: District 9; and

WHEREAS, the City Council in closed session on September 22, 2015 authorized settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE; and

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 \$100,000.00 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 personal injury claim of Janet Williamson v. City of San Diego; TC Construction San Diego Superior Court Case No. 37-2014-00031371-CU-PO-CTL.

2. Authorizing the Chief Financial Officer to appropriate and expend \$100,000 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. Authorizing the Comptroller to issue a check in the amount of \$100,000.00, made payable to "Janet Williamson and Law Office of Douglas H. Swope, APC."

APPROVED: JAN I. GOLDSMITH, City Attorney

By Molly E. Hoot
Molly E. Hoot
Deputy City Attorney

MEH:nmm
November 2, 2015
Or.Dept: City Attorney
CC No. 3000008306
Doc. No.: 1162365

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 08 2015.

ELIZABETH S. MALAND
City Clerk

By Stacy Brad
Deputy City Clerk

Approved: 12/11/15
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000008306
 DEPT. City Attorney
 NO. _____

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: _____ Fund: _____

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: \$100,000.00

Vendor: Check payable to Janet Williamson

Purpose: Settlement of personal injury claim of Janet Williamson for dangerous condition of public property.

Date: October 23, 2015 By: Livia Valles
 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	700011				512006	2013	2013130001		\$100,000.00
TOTAL AMOUNT									\$100,000.00

FUND OVERRIDE

CC 3000008306

Passed by the Council of The City of San Diego on DEC 08 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 DEC 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 *Stacy Brady*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310135