

RESOLUTION NUMBER R- 310472DATE OF FINAL PASSAGE MAY 23 2016A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN FIRST AMENDMENT COALITION, A NON-
PROFIT ORGANIZATION AND THE CITY OF SAN DIEGO

WHEREAS, on December 16, 2014, FIRST AMENDMENT COALITION, a non-profit organization, filed a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against the City of San Diego [City] and the San Diego Police Department alleging violations of the California Public Records Act. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled *First Amendment Coalition v. COSD*, Case No 37-2014-00042285-CU-WM-CTL; and

WHEREAS, in Closed Session on February 23, 2016, the City Council, by the following votes: Yeas, Districts 1, 2, 4, 5, 6, and 7; Nays, District 3; and absent, Districts 8 and 9; approved the Settlement.

WHEREAS, the City Council in closed session on February 23, 2016 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,


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

1. The sum of \$70,000 to be paid 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 the City, its agents and employees, arising from the Litigation.

2. The Chief Financial Officer to appropriate and expend \$70,000 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. The Comptroller to issue a check in the amount of \$70,000 payable to the Law Offices of Kelly Aviles Client Trust Account.


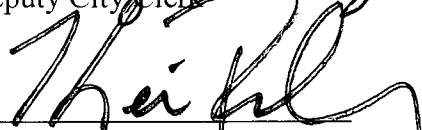
APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Christina M. Milligan
Deputy City Attorney

CMM:gcb
4/12/2016
Dept: City Attorney
CC No. 3000008782
Doc. No.: 1264708

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 18 2016

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

KEVIN L. FAULCONER, Mayor

Approved: 5/20/16
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000008782
 DEPT. _____
 NO: 1211

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: \$70,000.00

Vendor: Law Offices of Kelly Aviles Client Trust Account

Purpose: Settlement of an action involving a Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, SD Superior Court Case No. 37-2014-00042285-CU-WM-CTL.

Date: April 11, 2016 By: Lina Chlm
 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 | 512007 | 1515 | 1515000011 | | \$70,000.00 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | \$70,000.00 |

FUND OVERRIDE

Passed by the Council of The City of San Diego on MAY 17 2016, 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 type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marti Emerald | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Date of final passage MAY 23 2016.

(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 *Sty New*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310472