

RESOLUTION NUMBER R- 310679

DATE OF FINAL PASSAGE SEP 26 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN CLARA ISABEL CASTRO, an individual AND THE
CITY OF SAN DIEGO

WHEREAS, on February 26, 2015, CLARA ISABEL CASTRO, an individual, filed suit against the City of San Diego [City] alleging personal injuries arising from an incident involving San Diego Police officers. Plaintiff CASTRO brought suit in the United States District Court for the Southern District of California. The suit is entitled *Henry Gonzales and Clara Isabel Castro v. COSD*, Case No 15CV1033 L RBB; and

WHEREAS, in Closed Session on July 19, 2016, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9; Nays, Districts (None); and absent, Districts (All Present), authorized settlement of the Litigation brought by Clara Isabel Castro, only, 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 \$150,000.00 to be paid from the Public Liability Fund 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 brought by Clara Isabel Castro.

2. The Chief Financial Officer to appropriate and expend \$150,000.00 from the Public Liability 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 \$150,000.00 payable to the Trust Account of Michael Feldman.

APPROVED: JAN I. GOLDSMITH, City Attorney

By *Christina M. Milligan*
Christina M. Milligan
Deputy City Attorney

CMM:gcb
7/25/2016
Or.Dept: SDPD
CC :3000009144
Doc. No.: 1327569

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 13 2016

ELIZABETH S. MALAND
City Clerk

By *Elizabeth S. Maland*
Deputy City Clerk

Approved: 9/21/16
(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 3000009144
 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: _____ \$150,000.00

Vendor: Trust Account of Michael Feldman

Purpose: Settlement of a lawsuit by Clara Isabel Castro for personal injury damages, Risk Management File No. IVOS 9150.

Date: July 25, 2016 7/28/16 By: Lina Chim
 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		\$150,000.00
TOTAL AMOUNT									\$150,000.00

Passed by the Council of The City of San Diego on SEP 13 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Date of final passage SEP 26 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.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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