

105
2-1-16

RESOLUTION NUMBER R- 310680

DATE OF FINAL PASSAGE SEP 26 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN DERRICK MARABLE AND THE CITY OF SAN
DIEGO

WHEREAS, on April 22, 2016, DERRICK MARABLE filed suit against the City of San Diego alleging personal injuries arising from a motor vehicle accident in Balboa Park on January 17, 2015. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled *Derrick Marable v. Carole A. Rukstelis and City of San Diego*: San Diego Superior Court Case No. 37-2015-00010325-CU-PO-CTL; and

WHEREAS, in Closed Session on July 19, 2016, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 8, and 9; Nays, None; and All Present, approved the Settlement.

WHEREAS, the City Council in Closed Session on July 17, 2016, authorized settlement of the Litigation for an amount consistent with the amounts set forth; NOW THEREFORE,

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

1. The sum on \$1,000,000 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 \$1,000,000 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 \$1,000,000.00 made payable to DERRICK MARABLE AND AMINPOUR AND ASSOCIATES TRUST ACCOUNT.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Beverly Roxas
Beverly A. Roxas
Deputy City Attorney

BAR:geb
August 11, 2016
CC No. 3000009182
Doc. No.: 1335199

I 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 [Signature]
Deputy City Clerk

Approved: 9/21/16
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000009182
 DEPT. 1211
 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

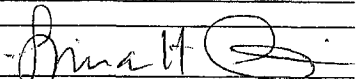
I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the 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: \$1,000,000.00

Vendor: Derrick Marable and Aminpour and Associates Trust Account

Purpose: Settlement of personal injury claim of Derrick Marable, Risk Management File No. 10821.

Date: August 18, 2016

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	512004	1515	1515000011		\$1,000,000.00
TOTAL AMOUNT									\$1,000,000.00

FUND OVERRIDE

CC 3000009182

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

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr 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.

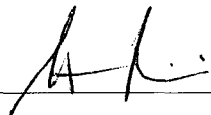
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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- 310680