

RESOLUTION NUMBER R- 310912

DATE OF FINAL PASSAGE JAN 18 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
THE CENTER FOR LOCAL GOVERNMENT
ACCOUNTABILITY AND THE CITY OF SAN DIEGO

WHEREAS, on September 11, 2014, The Center for Local Government Accountability filed suit against the City of San Diego [City], alleging that the City Council's practice of providing a single non-agenda public comment period during the course of its two-day regular weekly meetings violated the Brown Act, Government Code sections 54950 et seq... The suit is *Center for Local Government Accountability v. City of San Diego*, San Diego Superior Court 37-2014-00030567-CU-JR-CTL; and

WHEREAS, in Closed Session on November 15, 2016, the City Council approved the settlement;

NOW, THEREFORE,

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


1. Authorize the Mayor or his designee to pay the sum of \$70,000.00 from the Public Liability Fund No. 720045, in settlement of each and every claim, including attorney fees, against the City of San Diego, its agents and employees, arising from *Local Government Accountability v. City of San Diego*, San Diego Superior Court Case No. 37-2014-00030567-CU-JR-CTL.

2. Authorize the Chief Financial Officer to appropriate and expend \$70,000.00 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 this expenditure are, or will be, on deposit with the City Treasurer.

3. Authorize the Comptroller to issue a check in the amount of \$70,000.00, made payable to Craig A. Sherman, Attorney at Law, and the Center for Local Government Accountability.

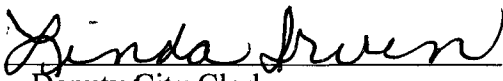
APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
David J. Karlin
Assistant City Attorney

DJK:aml
December 20, 2016
Or. Dept: City Attorney
CC No. 3000009559
Doc. No.: 1411457

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 10 2017.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 1/17/17
(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 3000009559
 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: Craig A. Sherman, Attorney at Law, and the Center for Local Government Accountability

Purpose: Settlement of Center for Local Government Accountability, SD Superior Court Case No. 37-2014-00030567-CU-JR-CTL.

Date: December 15, 2016 By: Lina Chim  ^{12/20/16}

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

CC 3000009559

Passed by the Council of The City of San Diego on JAN 10 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 18 2017.

(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 *Gina Irwin*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 310912