

#103  
01/24/17  
(R-2017-330)

RESOLUTION NUMBER R- 310926

DATE OF FINAL PASSAGE FEB 03 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT  
BETWEEN RANDY EDELBROCK AND THE CITY OF SAN  
DIEGO

WHEREAS, on October 2, 2015, RANDY EDELBROCK filed suit against the City of San Diego [City] alleging personal injuries arising from a falling tree branch that occurred at Chicano Park, San Diego. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled *Randy Edelbrock v. City of San Diego*, San Diego Superior Court Case No. San Diego Superior Court Case No. 37-2015-00033372-CU-NP-CTL [Litigation]; and

WHEREAS, in Closed Session on October 4, 2016, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 7, 8, and 9; Nays, None; and absent, District 6, approved the Settlement.

WHEREAS, the City Council in Closed Session on October 4, 2016, authorized settlement of the Litigation for an amount consistent with the amounts set forth below; NOW, THEREFORE,

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

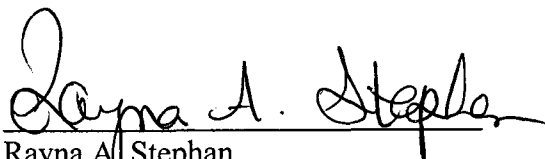
1. Authorizes the Mayor or his designee to pay the sum of \$75,000.00 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury damage claim of Randy Edelbrock v. City of San Diego, San Diego Superior Court Case No. 37-2015-00033372-CU-NP-CTL.

2. Authorizes the Chief Financial Officer to appropriate and expend \$75,000.00 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 expenditure are, or will be, on deposit with the City Treasurer.

3. Authorizes the Comptroller to issue the following checks for the total sum of \$75,000.00:

(1) A check in the amount of \$22,465.12, made payable to San Diego Injury Law Center and Randy Edelbrock, and (2) A check in the amount of \$52,534.88 made payable to Department of Health Care Services, referencing DHCS Account Number: C96016913D-001.

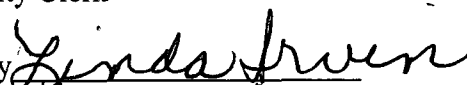
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Rayna A. Stephan  
Deputy City Attorney


RAS:lla  
10/10/2016  
Or.Dept: City Attorney  
CC No. C3000009577  
Doc. No.: 1372113

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 24 2017

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 2/3/17  
(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 3000009577  
 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: \_\_\_\_\_ \$75,000.00

Vendor: San Diego Injury Law Center and Randy Edelbrock (\$22,465.12)  
 Vendor: Department of Health Care Services (\$52,534.88)

Purpose: Settlement of personal injury claim of Randy Edelbrock.

Date: \_\_\_\_\_ December 23, 2016

By: Lina Chim  11/3/17  
 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		\$75,000.00
TOTAL AMOUNT									\$75,000.00

Passed by the Council of The City of San Diego on JAN 24 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 FEB 03 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 Linda Bruen, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 310926