

RESOLUTION NUMBER R- 310982

DATE OF FINAL PASSAGE MAR 09 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN CLIFFORD BROWN, JR. AND THE CITY OF SAN
DIEGO

WHEREAS, on April 29, 2015, CLIFFORD BROWN, JR. filed suit against the City of San Diego [City] alleging personal injuries arising from an incident that occurred on September 30, 2014. Plaintiff brought suit in the Superior Court for the County of San Diego. The suit is entitled *Clifford Brown v. City of San Diego, et al.*, Superior Court Case No. 37-2015-00014388-CU-PO-CTL, Case No 37-2015-00014388-CU-PO-CTL[Litigation]; and

WHEREAS, in Closed Session on October 25, 2016, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, 8; Nays, None and absent, District(s) 9, approved the settlement.

WHEREAS, the City Council in closed session on October 25, 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 \$4,850,000 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. Authorizing the Chief Financial Officer to appropriate and expend \$4,850,000.00 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. Authorizing the Comptroller to issue checks in the amounts of: \$3,350,000 made payable to Client Trust Account of Berman & Riedel, LLP; \$1,500,000 to New York Life Insurance Company.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Kathy J. Steinman
Deputy City Attorney

KJS:lla
2/10/2017
3/3/17 COR.COPY 2
Or.Dept: City Attorney
CC No. 3000009691
Doc. No.: 1443052

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 07 2017

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3/8/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Revised

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000009691
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

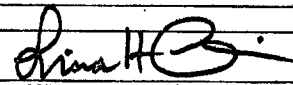
CERTIFICATION OF UNENCUMBERED BALANCE

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: _____ \$4,850,000.00

Vendor: Client Trust Account of Berman & Riedel, LLP (\$3,350,000.00)
Vendor: New York Life Insurance Company (\$1,500,000.00)

Purpose: Settlement of personal injury claim of Clifford Brown, Risk Management File No. 10877.

Date: February 28, 2017 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		\$4,850,000.00
TOTAL AMOUNT									\$4,850,000.00

Passed by the Council of The City of San Diego on MAR 07 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 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 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 MAR 09 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.

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

(Seal)

By *Hy Chady*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 310982