

RESOLUTION NUMBER R- 311036

DATE OF FINAL PASSAGE APR 13 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN CARLOS MCMANUS, SR. AND THE CITY OF
SAN DIEGO

WHEREAS, on January 21, 2015, CARLOS MCMANUS, SR. filed suit against the City of San Diego alleging a violation of his Fourteenth Amendment right to familial association. Plaintiff brought suit in the United States District Court, Southern District of California. The suit is entitled *Carlos McManus, Sr. v. County of San Diego, et al.* United States District Court Case No. 15CV138; and

WHEREAS, in Closed Session on February 14, 2017, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None; and All Present, approved the Settlement.

WHEREAS, the City Council in Closed Session on February 14, 2017, 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 \$72,500 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 \$72,500 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 \$72,500 made payable to Law Office of Shawn A. McMillan, IOLTA Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Hannah Girer-Rosenkrantz
Deputy City Attorney

HGB:gcb
March 27, 2017
CC No. 3000009765
Doc. No.: 1451078

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 11 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 4/13/17
(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 3000009765
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: _____ \$72,500.00

Vendor: Law Office of Shawn A. McMillian, IOLTA Account

Purpose: Settlement of Fourteenth Amendment claim of Plaintiff, Carlos McManus Sr., Risk Management File No. 11055.

Date: March 2, 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		\$72,500.00
TOTAL AMOUNT									\$72,500.00

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000009765

Passed by the Council of The City of San Diego on APR 11 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 APR 13 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 Brown, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311036