RESOLUTION NUMBER R- 311036

DATE OF FINAL PASSAGE APR 1 3 2017

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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

(date)

Ву

Vetoed:

Hannah Girer-Rosenkrantz Deputy City Attorney

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

meeting of	APR 11 ZUI/	·
		ELIZABETH S. MALAND City Clerk
		By Lindahrun Deputy City Clerk
	U/13/17	This VM

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this

KEVIN L. FAULCONER, Mayor

## The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of The City of San Diego on		APR 1 1 2017		, by the following vote:	
Councilmembers	Yeas	Nays	Not Present	Recused	
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Barbara Bry	, <u>k</u> Z				
Lorie Zapf	Z Z				
Chris Ward	<u>N</u>				
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Scott Sherman	Ø				
David Alvarez	$\mathbf{Z}_{\parallel}$				
Georgette Gomez					
APR	1 3 2017				
Date of final passage	·				
AUTHENTICATED BY:		M	KEVIN L. FA	AULCONER San Diego, California.	
			ELIZABETH	I S. MALAND	
(Seal)		City	-	of San Diego, California.	
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