

IkM 104
4/25/2017
(R-2017-496)

RESOLUTION NUMBER R- 311068

DATE OF FINAL PASSAGE MAY 05 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO MODIFYING RESOLUTION NUMBER R-310926
REGARDING THE APPROVED 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. 37-2015-00033372-CU-NP-CTL [Litigation]; and

WHEREAS, the City Council in Closed Session on October 4, 2016, authorized settlement of the Litigation for the amount of \$75,000.00 by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 7, 8, and 9; Nays, None; and absent, District 6;

WHEREAS, the City Council on January 24, 2017, approved the settlement by Resolution Number R-310926;

WHEREAS, following the passage of Resolution Number R-310926, Randy Edelbrock through his attorney submitted an amended medical lien from the Department of Health Care Services reducing their lien to \$17,132.70, and requested that the settlement checks in the total sum of \$75,000.00 be issued as set forth below.

WHEREAS, section 3 of Resolution Number R-310926 must be modified to reflect this change;

WHEREAS, all provisions of Resolution Number R-310926 remain in effect, except for section 3 of Resolution Number R-310926 pertaining to the issuance of the settlement checks;

NOW, THEREFORE,

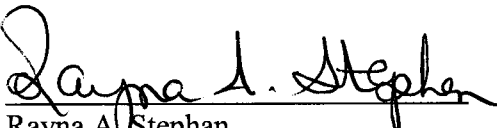
BE IT RESOLVED, by the Council of the City of San Diego that the Council:

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

(1) a check in the amount of \$57,867.30 made payable to San Diego Injury Law Center and Randy Edelbrock, and (2) a check in the amount of \$17,132.70 made payable to Department of Health Care Services, referencing DHCS Account Number: C96016913D-001.

2. Acknowledges that all other provisions in Resolution Number R-310926 remain in effect.

APPROVED: MARA W. ELLIOTT, City Attorney

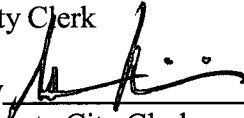
By 
Rayna A. Stephan
Deputy City Attorney

RAS:lla
4/6/2017
Or.Dept: City Attorney
CC No. C3000009577
Doc. No.: 1479806

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~APR 25 2017~~

ELIZABETH S. MALAND

City Clerk

By 
Deputy City Clerk

Approved: 5/5/17
(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. CC 3000009577(revised)
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 (\$57,867.30)
Vendor: Department of Health Care Services (\$17,132.70)

Purpose: Modification of Resolution R-310926 regarding the approved settlement of personal injury claim of Randy Edelbrock, Risk Mgmt File No. 10896. This action is requesting changes in the distribution amounts.

Date: April 7, 2017 By: Lina Chlm
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-0000000-GG	512006	1515	151500011		\$75,000.00
TOTAL AMOUNT									\$75,000.00

Passed by the Council of The City of San Diego on APR 25 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 MAY 05 2017

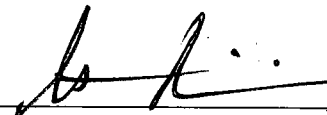
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 , Deputy

Office of the City Clerk, San Diego, California
311068
Resolution Number R-_____