

RESOLUTION NUMBER R- 311130

DATE OF FINAL PASSAGE JUN 06 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT
BETWEEN THE CITY OF SAN DIEGO AND MOLLY
HOOT

WHEREAS, on or about October 14, 2016, Molly Hoot [Hoot] filed suit against the City of San Diego [City] and Daniel Bamberg [Bamberg] in the Superior Court of the State of California. The suit is entitled *Molly Hoot v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2016-00035984-CU-OE-CTL (the "Action");

WHEREAS, by agreeing to settle the Action, neither the City nor Bamberg make any admission that they have engaged, or are engaging, in any unlawful conduct, and specifically deny the allegations set forth in the complaint;

WHEREAS, pursuant to the terms of the settlement, Hoot agrees to dismiss the Action in its entirety, with prejudice, after receipt of a total settlement payment in the amount of \$225,000.00, with the City contributing \$210,000.00 and Bamberg contributing \$15,000.00 towards settlement; and

WHEREAS, in Closed Session on April 4, 2017, the City Council, by the following votes: Yeas, District(s) 1, 3, 4, 5, 6, 7, 8, and 9; Nays, 2; and absent, None/All Present, approved the settlement. NOW, THEREFORE,

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

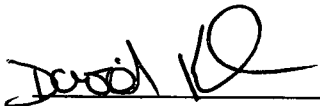
1. Authorize the Mayor or his designee to pay the sum of \$210,000.00 from Public Liability Fund No. 720045, in settlement of each and every claim, including attorney's fees,

against the City of San Diego, its agents, and employees, arising from *Molly Hoot v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2016-00035984-CU-OE-CTL.

2. Authorize the Chief Financial Officer to appropriate and expend \$210,000.00 from Public Liability Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

3. Authorize the Comptroller to issue a check in the amount of \$210,000.00 made payable to "Gruenberg Law - Client Trust Account."

APPROVED: MARA W. ELLIOTT, City Attorney

By 
David J. Karlin
Chief Deputy City Attorney

DJK:aml
May 8, 2017
Or. Dept: City Attorney
CC No. 3000009983
Doc. No.: 1501069

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 23 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/5/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000009983
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: _____ \$210,000.00

Vendor: Gruenberg Law - Client Trust Account

Purpose: Authorizing the expenditure of funds for the settlement of Molly Hoot, San Diego Superior Court Case No. 37-2016-00035984-CU-OE-CTL.

Date: May 5, 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		\$210,000.00
TOTAL AMOUNT									\$210,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on MAY 23 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUN 06 2017.

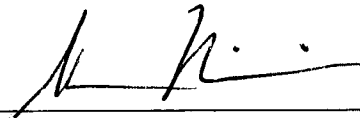
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

By , Deputy

Office of the City Clerk, San Diego, California

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