

RESOLUTION NUMBER R- 311337

DATE OF FINAL PASSAGE OCT 10 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT OF THE
THOMAS PEREZ CLASS ACTION LAWSUIT AGAINST THE
CITY OF SAN DIEGO

WHEREAS, on May 23, 2014, Thomas Perez, on behalf of himself and others similarly situated, filed a class action lawsuit against the City of San Diego for unpaid wages suffered by Thomas Perez and other current and former City of San Diego Sanitation Drivers from May 23, 2011, to the present. The lawsuit was filed in San Diego Superior Court and is entitled *Thomas Perez v. City of San Diego*, San Diego Superior Court Case No. 37-2014-00016621-CU-OE-CTL.

WHEREAS, on October 14, 2016, the Court ordered the lawsuit certified as a class action.

WHEREAS, in Closed Session on May 23, 2017, the City Council authorized settlement of the class action lawsuit for \$500,000.00. The City Council approved the settlement by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, 9; Nays, None; All Present; NOW,

THEREFORE,

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


1. The Mayor or his designee to pay the sum of \$500,000.00 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, including liquidated damages, interest, penalties, class representative enhancement awards, employer payroll taxes, and costs and fees of any type, including litigation costs, administrative costs, and

attorney fees, against the City of San Diego, its agents and employees, arising from the class action wage claims of *Thomas Perez v. City of San Diego*, San Diego Superior Court Case No. 37-2014-00016621-CU-OE-CTL.

2. The Chief Financial Officer to appropriate and expend \$500,000.00 from the Public Liability Fund No. 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 \$500,000.00, made payable to CPT Group, Inc., a third party administrator.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Kristin M. J. Zlotnik
Deputy City Attorney

KMJZ:my
8/25/2017
Or.Dept: 1400
CC No. 3000010306
Doc. No.: 1567651

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 03 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/10/17
(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 3000010306
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: _____ \$500,000.00

Vendor: CPT Group, Inc.

Purpose: Authorizing the expenditure of funds for the settlement of class action claims of Thomas Perez and certified class of current and former City of San Diego Sanitation Drivers.

Date: August 31, 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	512007	1515	1515000011		\$500,000.00
TOTAL AMOUNT									\$500,000.00

FUND OVERRIDE

CC 3000010306

Passed by the Council of The City of San Diego on OCT 03 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 OCT 10 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.

By Ginda Frein, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311337