

#109
12/5/17

(R-2018-165)

RESOLUTION NUMBER R- 311444

DATE OF FINAL PASSAGE DEC 08 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
DEBORAH GANLEY AND THE CITY OF SAN DIEGO.

WHEREAS, on or about January 6, 2016, Deborah Ganley [Ganley] filed suit against the City of San Diego [City] in the Superior Court of the State of California. The suit is entitled *Deborah Ganley v. City of San Diego*: San Diego Superior Court Case No. 37-2016-00000261-CU-OE-CTL (the "Action");

WHEREAS, by agreeing to settle the Action, the City does not 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, Ganley agrees to dismiss the Action in its entirety, with prejudice, after receipt of a total settlement payment in the amount of 75,850.01: and

WHEREAS, in Closed Session on October 3, 2017, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 8, and 9; Nays, None; and Absent, District(s) 6 and 7, 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 \$75,850.01 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 *Deborah Ganley v. City of San Diego*: San Diego Superior Court Case No. 37-2016-00000261-CU-OE-CTL.

2. Authorize the Chief Financial Officer to appropriate and expend \$75,850.01 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 \$75,850.01 made payable to the Deborah Ganley and the Law Office of Michael A. Conger.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____

DJK:aml
October 26, 2017
Or.Dept: City Attorney
CC No. 3000010478
Doc. No.: 1613286

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 05 2017.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 12/8/17
(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 3000010478
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

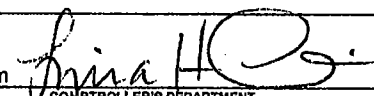
I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the 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: _____ \$75,850.01

Vendor: Law Office of Michael Conger

Purpose: Authorizing the expenditure of funds for the settlement of a lawsuit regarding the Surviving Spouse Continuance Benefit filed by Plaintiff Deborah Ganley, Risk Mgmt File No. 12306.

Date: _____ November 2, 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	512007	1515	1515000011		\$75,850.01
TOTAL AMOUNT									\$75,850.01

Passed by the Council of The City of San Diego on DEC 05 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 DEC 08 2017.

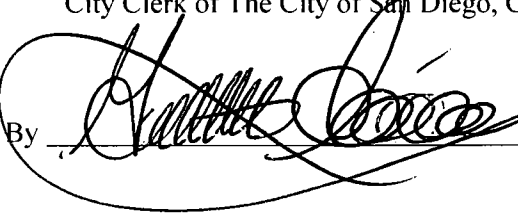
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 *for Stacy Ready*

Office of the City Clerk, San Diego, California
Resolution Number R- 311444