TEM#105 6/19/18; (R-2018-582)

RESOLUTION NUMBER R- 311829

DATE OF FINAL PASSAGE JUN 21 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN SCOTT PEARSON AND THE CITY OF SAN DIEGO

WHEREAS, Scott Pearson filed suit against the City of San Diego [City] claiming unpaid overtime wages under the Fair Labor Standards Act. Plaintiff brought suit in the United States District Court, Southern District of California. The suit is titled *Scott Pearson v. City of San Diego*, Case No. 17cv1452 H (KSC) [Litigation]; and

WHEREAS, on December 13, 2017, the City Council by the following votes: Yeas,
Districts 1, 3, 4, 6, 7, 8, 9; Nays, None; and Absent, Districts 2 and 5, approved the settlement of
the Litigation for an amount consistent with the amounts set forth below; NOW, THEREFORE,

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

- 1. A resolution authorizing the Mayor or his designee to pay the total sum of \$135,000 in settlement of each and every claim for unpaid overtime compensation, liquidated damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the complaint for overtime compensation and other relief by Scott Pearson.
- 2. Authorizes the Chief Financial Officer to appropriate and expend \$80,000 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. Authorizes the Comptroller to issue the following two checks totaling \$80,000: (1) a check in the amount of \$55,000, made payable to Shewry & Saldaña, LLP, and (2) a check in the amount of \$25,000, made payable to Shewry & Saldaña, LLP.
- 4. Authorizes the Comptroller to issue a payroll check in the total amount of \$55,000 to Scott Pearson. The payroll check shall be subject to the normal wage withholdings for overtime compensation under the Fair Labor Standards Act.

APPROVED: MARA W. ELLIOTT, City Attorney

By	Alison P. Adema
,	Alison P. Adema
	Deputy City Attorney

APA:lla June 6, 2018

Or.Dept:City Attorney CC No. 3000011187 Doc. No.: 1750766

I certify that the foregoing Resolution was passed by meeting of JUN 19 2018	y the Council of the City of San Diego, at this
	ELIZABETH S. MALAND City Clerk
	By Chend Deputy Dity Clerk
Approved: 4/21/18 (date)	KEVIN L. FAULCONER, Mayor
Vetoed: (date)	KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of The Cit	y of San Diego on _	JUN. 1	. 9 2018 , by	the following vote:
Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	\mathbb{Z}			
Lorie Zapf				
Chris Ward	Ż			
Myrtle Cole	Ø			
Mark Kersey	Z			
Chris Cate	Ø			
Scott Sherman	\mathbf{Z}			
David Alvarez	Ø			
Georgette Gomez	Ø			
Date of final passageJUN_	21 2018			
(Please note: When a resolution approved resolution was return				
AUTHENTICATED BY:		Ma		San Diego, California.
			ELIZABETH	S. MALAND
(Seal)		City	Clerk of The City	of San Diego, California.
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		Office of the	e City Clerk, San	Diego, California
	Resol	ution Numbe	er R3	11829