

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 the Council of the City of San Diego, at this meeting of JUN 19 2018.

ELIZABETH S. MALAND  
City Clerk

By Elizabeth S. Maland  
Deputy City Clerk

Approved: 6/21/18  
(date)

Kevin L. Faulconer  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000011187  
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: \_\_\_\_\_ \$80,000.00

Vendor: Shewry & Saldana, LLP (\$55,000.00)  
Vendor: Shewry & Saldana, LLP (\$25,000.00)

Purpose: Authorizing the expenditure of funds for the settlement of a complaint filed by Scott Pearson. Risk Management File No. 17098. The settlement total is \$135,000.00, of which, \$55,000.00 will be paid via payroll check from General Fund 100000, Fire-Rescue Dept. 1912.

Date: \_\_\_\_\_ June 5, 2018

By: Lina Chim  6/6/18  
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		\$80,000.00
TOTAL AMOUNT									\$80,000.00

FUND OVERRIDE

CC 3000011187

Passed by the Council of The City of San Diego on JUN 19 2018, 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 JUN 21 2018.

(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 *Hy Ruedy*, Deputy

Office of the City Clerk, San Diego, California

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