Tlem#106 4/19/18 (R-2018-583)

RESOLUTION NUMBER R- 311830

DATE OF FINAL PASSAGE JUN 21 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN BARRY LINKS, CHRISTOPHER SOVAY, STEVE VANDEWALLE, ANDREA DOMINGUEZ, TIMOTHY OLSON, BRIAN SANFORD AND THE CITY OF SAN DIEGO

WHEREAS, Barry Links, Christopher Sovay, Steve Vandewalle, Andrea Dominguez, Timothy Olson and Brian Sanford [Plaintiffs] filed suit against the City of San Diego [City] alleging overtime wages were due to them under the Fair Labor Standards Act. Plaintiffs brought suit in the United States District Court, Southern District of California. The suit is titled *Barry Links*, et al. v. City of San Diego, Case No. 17cv0996 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 \$307,000 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 Plaintiffs.
- 2. Authorizes the Chief Financial Officer to appropriate and expend \$182,000 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 \$182,000:(1) a check in the amount of \$125,000, made payable to the Law Firm of Woodley &McGillivary LLP, and (2) a check in the amount of \$57,000, made payable to the Law Firm of

Woodley & McGillivary LLP.

4. Authorizes the Comptroller to issue payroll checks in the total amount of \$125,000 to Plaintiffs individually based on the allocation below:

Barry Links in the gross amount of \$61,319.48; Christopher Sovay in the gross amount of \$250.00; Steve Vandewalle in the gross amount of \$59,914.73; Andrea Dominguez in the gross amount of \$810.90; Timothy Olson in the gross amount of \$2,454.89; and, Brian Sanford in the gross amount of \$250.00.

All of the above payroll checks 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 Deputy City Attorney

APA:lla June 6, 2018

Or.Dept: City Attorney CC No. 300011186 Doc. No.: 1750766

meeting of	
	ELIZABETH S. MALAND City Clerk
	By Read Deputy Clerk
Approved: (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 City of San Die		JUN 1	<b>9 2018</b> , by	, by the following vote:	
Councilmembers	Yeas	Nays	Not Present	Recused	
Barbara Bry	<b>/</b>				
Lorie Zapf	Z				
Chris Ward	Z				
Myrtle Cole	Ø			· 🔲	
Mark Kersey					
Chris Cate					
Scott Sherman	Z				
David Alvarez			. 🔲		
Georgette Gomez			. 🗆		
17					
Date of final passageJ	UN <b>21</b> 2018 .				
AUTHENTICATED BY:		M	KEVIN L. FA	AULCONER San Diego, California.	
(Seal)		City	ELIZABETH Clerk of The City	S. MALAND of San Diego, California.	
		ву(	Hy Mun	, Deputy	
		Office of th	e City Clerk, San	Diego, California	
	Resol	ution Numbe	er R32	L1830	