

RESOLUTION NUMBER R- 311969

DATE OF FINAL PASSAGE SEP 18 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SETTLEMENT OF FRANCES
EZELLA MORALES

WHEREAS, on April 18, 2016, Plaintiff Frances Ezella Morales filed suit against the City of San Diego alleging personal injuries arising from a trip and fall accident over an uplifted portion of sidewalk on south Beech Street in downtown San Diego; Plaintiff brought suit in the San Diego Superior Court. The suit is entitled *Frances Ezella Morales v. City of San Diego*, Case No. 37-2016-00012579-CU-PO-CTL; and

WHEREAS, in closed session on July 31, 2018, the City Council, by the following votes: Yeas, Districts 1, 3, 4, 5, 7, 9; Nays, Districts 2, 8, Absent, District 6, approved the City's settlement of Frances Ezella Morales' claim for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement release; NOW, THEREFORE; and

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 sum of \$230,000.00 from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury complaint filed by Frances Morales, entitled *Frances Ezella Morales v. City of San Diego*, Case No. 37-2016-00012579-CU-PO-CTL.
2. Authorizes the Chief Financial Officer to expend \$230,000.00 from 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 a check in the amount of \$230,000.00, made payable to B&D Law Group, APLC Client Trust Account for Frances Ezella Morales.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Tyler L. Krentz
Deputy City Attorney

TLK:my
August 3, 2018
Or. Dept.: City Attorney
CC No. 3000011380
Doc. No.: 1806067

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 11 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/18/18
(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 3000011380
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: _____ \$230,000.00

Vendor: B&D Law Group, APLC Client Trust Account for Frances Ezella Morales

Purpose: Authorizing the expenditure of funds for the settlement of a complaint filed by Frances Ezella Morales. Risk Management File No. 11920.

Date: August 10, 2018

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	512006	1515	1515000011		\$230,000.00
TOTAL AMOUNT									\$230,000.00

FUND OVERRIDE

CC 3000011380

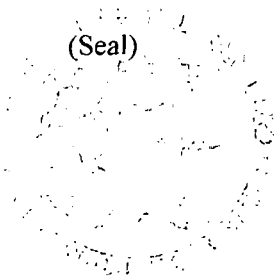
Passed by the Council of The City of San Diego on SEP 11 2018, by the following vote:

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 type="checkbox"/>	<input checked="" 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 SEP 18 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.

By *Hinda Irwin*, Deputy

Office of the City Clerk, San Diego, California

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