

RESOLUTION NUMBER R- 312259

DATE OF FINAL PASSAGE MAR 13 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN ALLIED PROPERTY & CASUALTY INSURANCE COMPANY AND THE CITY OF SAN DIEGO.

WHEREAS, on March 9, 2018, Stewart Matthew Dillon filed a complaint against the City of San Diego (City) for personal injuries as a result of an accident involving a San Diego Police Department patrol vehicle that occurred on July 24, 2017. Plaintiff brought suit in the Superior Court for the County of San Diego. The suit is entitled *Stewart Matthew Dillon v. City of San Diego, et al.*, Superior Court Case No. 37-2018-00011916-CU-PA-CTL [Litigation]; and

WHEREAS, in Closed Session on February 5, 2019, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None, and absent, None, approved the settlement; and

WHEREAS, the City Council in closed session on February 5, 2019, authorized settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW,

THEREFORE,

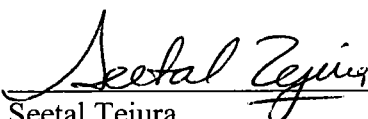
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. A resolution authorizing the Mayor or his designee to pay the sum of \$175,000 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 Stewart Matthew Dillon.

2. Authorizes the Chief Financial Officer to expend \$175,000 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 \$175,000, made payable to Aminpour and Associates and Stewart Dillon.

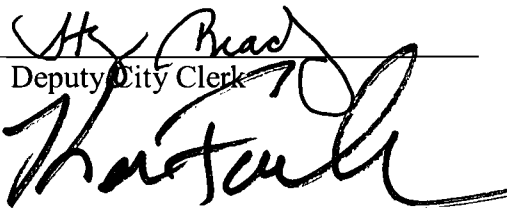
APPROVED: MARA W. ELLIOTT, City Attorney

By   
Seetal Tejura  
Deputy City Attorney

ST:my  
February 7, 2019  
Or.Dept: City Attorney  
CC No. 3000011933  
Doc. No.: 1923183

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 12 2019.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk  
KEVIN L. FAULCONER, Mayor

Approved: 3/13/19  
(date)

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING DEPT. NO.: 3000011933  
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 solution, 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: \$175,000.00

Vendor: Aminpour and Associates and Stewart Dillon

Purpose: Authorizing the expenditure of funds for the settlement of a complaint filed by Stewart Matthew Dillon. Risk Management Claim No. 17261.

Date: February 19, 2019 By: Sonny Bautista  
 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	512004	1515	1515000011		\$175,000.00
TOTAL AMOUNT									\$175,000.00

FUND OVERRIDE   
 CC 3000011933

Passed by the Council of The City of San Diego on MAR 12 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 13 2019.

**(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.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By *Hy Meady*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 312259