RESOLUTION NUMBER R- 312310

DATE OF FINAL PASSAGE APR 1 5 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN MELVIN BROWN, II AND THE CITY OF SAN DIEGO.

WHEREAS, on March 24, 2017, Melvin Brown, II filed a complaint against the City of San Diego (City) for personal injuries as a result of an incident that occurred involving a San Diego Police officer on November 24, 2016. Plaintiff brought suit in the United States District Court. The suit is entitled *Melvin Brown, II v. City of San Diego, et al.*, United States District Court Case No. 17cv0600 H (WVG) [Litigation]. The related appeal was in the Ninth Circuit Court of Appeals, Case No. 18-56481.; and

WHEREAS, in Closed Session on March 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 March 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 \$100,000 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 Melvin Brown, II.
- 2. Authorizes the Chief Financial Officer to expend \$100,000 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 \$100,000, made payable to Gilliland & Gilliland, client trust account.

APPROVED: MARA W. ELLIOTT, City Attorney

Seetal Tejura

Deputy City Attorney

ST:my

March 7, 2019

Or.Dept: City Attorney CC No. 3000012050 Doc. No.: 1951274

I certify that the foregoing Resolution meeting of	tjon was passed by the Council of the City of San Diego, at this
	ELIZABETH S. MALAND City Clerk
	By Deputy City Clerk
Approved:	KEVIN L. FAULOONER, Mayor
Vetoed:(date)	KEVIN I FALIL CONER Mayor

The City of San Diogo COMPTROLLER'S CERTIFICATE

								DRIGINATING	DEPT.	
									No.: 1211	
ا ا reasur	HEREBY y, or is a	CERTIFY that inticipated to cor	the money red ne into the Tre	quired for the allotm easury, and is other	ent of funds vise unallotte	for the pued.	urpose set forth in th	ne foregalng res	olution is avallable	le in t
mount	:	-					Fund			
urpose) :									
·				•						
		· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·	·					
ate:							Ву:	COMPTROLLER	R'S DEPARTMENT	
					ACCOUNTING DA					
Doc. tem	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Am	ount
$\overline{}$										
								TOTAL AMOU	INT	
							· · · · · · · · · · · · · · · · · · ·	TOTAL AMOU	/141	
solution onform	on, can t nity with t. that su	be incurred withouthe the requirements officient moneys	out the violations of the Charte to meet the ob	CERTIFICATION ess and obligation to n of any of the provi or of the City of San bligations of said cor same are to be draw	be incurred slons of the Diego, that s ntract are act	by the co Charter of ufficient n	ntract or agreement i the City of San Die noneys have been a e Treasury, or are a	go; and I do her ppropriated for the still service in the service	eby further certify the purpose of sa ne into the Treast	, in id ury, to
solution onform ontraci e cred	on, can t hity with t, that su dit of the	be incurred withouthe requirements officient moneys appropriation fro	out the violations of the Charte to meet the ob om which the se	ess and obligation to n of any of the provi or of the City of San	be incurred slons of the to Diego, that s ntract are act on, and that the	by the co Charter of ufficient n ually in the	ntract or agreement f the City of San Die noneys have been a e Treasury, or are a oney now actually ir	go; and I do her ppropriated for the still service in the service	eby further certify the purpose of sa ne into the Treast	, in id ury, to
esolution onform ontrac le cred nticipa	on, can t hity with t, that su dit of the	be incurred withouthe requirements officient moneys appropriation fro	out the violations of the Charte to meet the ob om which the se	ess and obligation to n of any of the provi or of the City of San digations of sald cor same are to be draw redit of sald appropi	be incurred slons of the to Diego, that s ntract are act on, and that the	by the co Charter of ufficient n ually in the	ntract or agreement f the City of San Die noneys have been a e Treasury, or are a oney now actually ir	go; and I do her ppropriated for the still service in the service	eby further certify the purpose of sa ne into the Treast	, in id ury, to
esolution onform ontraci e crec nticipa ot to E	on, can introduced to control to	be incurred withouthe requirements officient moneys appropriation fro	out the violations of the Chartesto meet the obom which the sasury, to the co	ess and obligation to n of any of the provi or of the City of San digations of sald cor same are to be draw redit of sald appropi	be incurred slons of the colors of the color	by the co Charter of ufficient n ually in the	ntract or agreement f the City of San Die noneys have been a e Treasury, or are a oney now actually ir	go; and I do her ppropriated for the still service in the service	eby further certify the purpose of sa ne into the Treast	, in id ury, to
solution onform ontrac e crec nticipa ot to E	on, can inity with the thing of the suited to concern the exceed:	be incurred withouthe requirements officient moneys appropriation frome into the Treatment of the Come into the Treatment of the Come into the Come in the Come into the C	out the violations of the Charter to meet the obom which the sasury, to the control of the contr	ess and obligation to n of any of the provi or of the City of San digations of sald cor same are to be draw redit of sald appropi	be incurred slons of the object, that shirted are action, and that the triation, are of 100,000.00	by the co Charter of ufficient n ually in the ne said m therwise u	ntract or agreement i the City of San Die noneys have been a e Treasury, or are a oney now actually in nencumbered.	go; and I do her ppropriated for nticipated to con the Treasury, to	eby further certify the purpose of sa ne into the Treast ogether with the n	, in id ury, to
esolution onform ontrac ie crec nticipa ot to E endor:	on, can inity with the thing of the suited to concern the exceed:	be incurred withouthe requirements officient moneys appropriation frome into the Treatment of the Come into the Treatment of the Come into the Come in the Come into the C	out the violations of the Charter to meet the obom which the sasury, to the control of the contr	ess and obligation to n of any of the provi or of the City of San digations of said cor same are to be draw redit of said appropri	be incurred slons of the object, that shirted are action, and that the triation, are of 100,000.00	by the co Charter of ufficient n ually in the ne said m therwise u	ntract or agreement i the City of San Die noneys have been a e Treasury, or are a oney now actually in nencumbered.	go; and I do her ppropriated for nticipated to con the Treasury, to	eby further certify the purpose of sa ne into the Treast ogether with the n	, in id ury, to
esolution onform ontrac ne crec nticipa ot to E endor:	on, can inity with the thing of the suited to concern the exceed:	be incurred withouthe requirements officient moneys appropriation frome into the Treatment of the Come into the Treatment of the Come into the Come in the Come into the C	out the violations of the Chartesto meet the obom which the sasury, to the collars are considered to the collars.	ess and obligation to n of any of the provi or of the City of San digations of said cor same are to be draw redit of said appropri	be incurred slons of the object, that shirted are action, and that the triation, are of 100,000.00	by the co Charter of ufficient n ually in the ne said m therwise u	ntract or agreement i the City of San Die noneys have been a e Treasury, or are a oney now actually in nencumbered.	go; and I do her appropriated for inticipated to con in the Treasury, to sk Management C	eby further certify the purpose of sa ne into the Treast ogether with the n	, in id ury, to
esolution on form on trace on	on, can inity with the thing of the suited to concern the exceed:	be incurred withouthe requirements officient moneys appropriation frome into the Treatment of the Come into the Treatment of the Come into the Come in the Come into the C	out the violations of the Chartesto meet the obom which the sasury, to the collars are considered to the collars.	ess and obligation to n of any of the provi or of the City of San digations of sald cor same are to be draw redit of sald appropri s t account	be incurred slons of the object, that shirted are action, and that the triation, are of 100,000.00	by the co Charter of ufficient n ually in the ne said m therwise u	ntract or agreement I the City of San Die noneys have been a e Treasury, or are a oney now actually in nencumbered. Maivin Brown, II. Ris	go; and I do her appropriated for anticipated to core the Treasury, to sk Management C	eby further certify the purpose of sa ne into the Treasi ogether with the n	, in id ury, to
esolution form on trace and cree on to E endor: urpose ate:	on, can inity with the thing of the suited to concern the exceed:	be incurred withouthe requirements officient moneys appropriation frome into the Tre- Gilliland and Gilli Authorizing the e	out the violations of the Chartesto meet the obom which the sasury, to the collars are considered to the collars.	ess and obligation to n of any of the provi or of the City of San digations of sald cor same are to be draw redit of sald appropri s t account	be incurred slons of the consorting that shared are action, and that the consorting that the consorting that of a compla	by the co Charter of ufficient n ually in the ne said m therwise u	ntract or agreement I the City of San Die noneys have been a e Treasury, or are a oney now actually in nencumbered. Maivin Brown, II. Ris	go; and I do her appropriated for anticipated to core the Treasury, to sk Management C	eby further certify the purpose of sa ne into the Treasi ogether with the n	, in id ury, to noney
esolution form contract to creciniticipal of to E endor: urpose ate:	on, can inty with the thick that sudit of the	be incurred withouthe requirements officient moneys appropriation frome into the Treatment of the Come into the Treatment of the Come into the Come in the Come into the C	out the violations of the Chartesto meet the obom which the sasury, to the column diand client trust expenditure of fundamental managements.	ess and obligation to n of any of the provi or of the City of San oligations of said cor same are to be draw redit of said appropri \$ t account unds for the settlement	be incurred slons of the consort are act are act are act are act and that the consort are of the consort of a compla	by the co Charter of ufficient n ually in the ne said m therwise u int filed by	ntract or agreement the City of San Die noneys have been a e Treasury, or are a oney now actually ir nencumbered. Maivin Brown, II. Ris By: Sonny B	go; and I do her appropriated for anticipated to con the Treasury, to sk Management (eby further certify the purpose of sa ne into the Treasi ogether with the n	, in id ury, to noney
esolution on trace on trace on to E endor: urpose ate:	on, can inty with the thick that sudit of the	be incurred withouthe requirements officient moneys appropriation frome into the Tre- Gilliland and Gilli Authorizing the e	out the violations of the Chartesto meet the obom which the sasury, to the column diand client trust expenditure of fundamental managements.	ess and obligation to n of any of the provi or of the City of San oligations of said cor same are to be draw redit of said appropri \$ t account funds for the settlement functional Area	be incurred slons of the consort are act are act are act are act and that the consort are of the consort of a compla	by the co Charter of ufficient n ually in the he said m therwise u int filed by TA Business Area	ntract or agreement I the City of San Die noneys have been a e Treasury, or are a oney now actually ir nencumbered. Malvin Brown, II. Ris By: Sonny B	go; and I do her appropriated for anticipated to con the Treasury, to sk Management (eby further certify the purpose of sa ne into the Treast ogether with the n Claim No. 15114. Original Am	, in id ury, to none;
esolution form on trace and cree on to E endor: urpose ate:	on, can inty with the thick that sudit of the	be incurred withouthe requirements officient moneys appropriation frome into the Tre- Gilliland and Gilli Authorizing the e	out the violations of the Chartesto meet the obom which the sasury, to the column diand client trust expenditure of fundamental managements.	ess and obligation to n of any of the provi or of the City of San oligations of said cor same are to be draw redit of said appropri \$ t account funds for the settlement functional Area	be incurred slons of the consort are act are act are act are act and that the consort are of the consort of a compla	by the co Charter of ufficient n ually in the he said m therwise u int filed by TA Business Area	ntract or agreement I the City of San Die noneys have been a e Treasury, or are a oney now actually ir nencumbered. Malvin Brown, II. Ris By: Sonny B	go; and I do her appropriated for anticipated to con the Treasury, to sk Management (eby further certify the purpose of sa ne into the Treast ogether with the n Claim No. 15114. Original Am	, in id ury, to none;
esolution on trace on	on, can inty with the thick that sudit of the	be incurred withouthe requirements officient moneys appropriation frome into the Tre- Gilliland and Gilli Authorizing the e	out the violations of the Chartesto meet the obom which the sasury, to the column diand client trust expenditure of fundamental managements.	ess and obligation to n of any of the provi or of the City of San oligations of said cor same are to be draw redit of said appropri \$ t account funds for the settlement functional Area	be incurred slons of the consort are act are act are act are act and that the consort are of the consort of a compla	by the co Charter of ufficient n ually in the he said m therwise u int filed by TA Business Area	ntract or agreement I the City of San Die noneys have been a e Treasury, or are a oney now actually ir nencumbered. Malvin Brown, II. Ris By: Sonny B	go; and I do her appropriated for anticipated to con the Treasury, to sk Management (eby further certify the purpose of same into the Treasuragether with the recognition of the control of the control of the certification	, in id ury, to noney

Passed by the Council of The	City of San Dieg	o on APF	_, by the following vote:	
Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	\mathbb{Z}			
Jennifer Campbell	Z			
Chris Ward	Z			
Monica Montgomery	\mathbf{Z}		-	
Mark Kersey				
Chris Cate	\mathbb{Z}			
Scott Sherman	\mathbf{Z}			
Vivian Moreno				
Georgette Gómez	\mathbf{Z}			
Date of final passage	APR 1 5 2019			
(Please note: When a resol date the approved resolution	ution is approv on was returne	ed by the Ma d to the Offi	ayor, the date of ce of the City Clo	final passage is the erk.)
			KEVIN L. FAL	JLCONER
AUTHENTICATED BY:		Mayo		an Diego, California.
		<u>,</u>	ELIZABETH S	. MALAND
(Seal)		City Cl	erk of The Gity of	San Diego, California.
·			11/11	
<u>,</u> :€		Ву	NVC	, Deputy
		Office of the	e City Clerk, San D	Diego, California
	Reso	lution Numb	er R31	12310