

RESOLUTION NUMBER R- 312577

DATE OF FINAL PASSAGE JUL 29 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SETTLEMENT OF MICHAEL
DISENSO AND LEA DISENSO.

WHEREAS, on December 2, 2016, Plaintiffs Michael DiSenso and Lea DiSenso filed suit against the City of San Diego, Steven Glover, and Richard Hayes [City] alleging personal injuries arising from a motor vehicle collision with a City employee that occurred on April 25, 2016. The suit is entitled *DiSenso, Michael A, et al. v. City of San Diego, et al.*, Case No. 37-2016-00042403-CU-PA-CTL; and

WHEREAS, in closed session on April 16, 2019, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, 9; Nays, none, approved the City's settlement of Michael DiSenso and Lea DiSenso's 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. The sum of \$2,900,000.00 to be paid from the 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, and Steven Glover and Richard Hayes arising from the personal injury claims of Michael DiSenso and Lea DiSenso, San Diego Superior Court Case No. 37-2016-00042403-CU-PA-CTL.
2. The Chief Financial Officer to appropriate and expend \$2,900,000.00 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. The Comptroller to issue a check in the amount of \$750,000.00 made payable to New York Life Insurance Company.

4. The Comptroller to issue a check in the amount of \$ 2,150,000.00 made payable to Arendsen Cane Molnar LLP, in trust for Michael and Lea DiSenso.

APPROVED: MARA W. ELLIOTT, City Attorney

By Casey M Sweda
Casey M Sweda
Chief Deputy City Attorney

CMS:my
June 21, 2019
Or.Dept:1400
CC No. 3000012368
Doc. No.: 2035585

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 23 2019.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 7/29/19
(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 3000012368
DEPT. 1211
NO. _____

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: \$2,900,000.00

Vendor: New York Life Insurance Company
Vendor: Arendsen Cane Molnar LLP, in trust for Michael and Lea DeSenso

Purpose: Authorizing the expenditure of funds for the settlement of a claim filed by Michael A. DiSenso. Risk Management Claim No. 13277.

Date: July 2, 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		\$2,900,000.00
TOTAL AMOUNT									\$2,900,000.00

FUND OVERRIDE

CC 3000012368

Passed by the Council of The City of San Diego on JUL 23 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUL 29 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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