

RESOLUTION NUMBER R- 312649
DATE OF FINAL PASSAGE SEP 12 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN NEALE R. SHINSKY AND MARY P. SHINSKY, INDIVIDUALLY AND AS CO-TRUSTEES OF THE NEALE R. AND MARY P. SHINSKY TRUST, AND THE CITY OF SAN DIEGO.

WHEREAS, on October 19, 2017, Plaintiffs Neale R. Shinsky and Mary P. Shinsky, individually and as Co-trustees of the Neale R. and Mary P. Shinsky Trust ("Plaintiffs"), filed suit against the City of San Diego alleging property damage arising from a failed slope in the City's right of way that occurred on February 27-28, 2017. The suit is entitled *Neale R. Shinsky, Mary P. Shinsky, individually and as Co-trustees of the Neale R. and Mary P. Shinsky Trust v. City of San Diego*, San Diego Superior Court Case No. 37-2017-00039641-CU-PO-CTL; and

WHEREAS, in closed session on July 30, 2019, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, none; Absent, none, approved the settlement of Plaintiffs' claims for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement agreement; NOW, THEREFORE,


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

1. Authorizes the Mayor or his designee to pay the sum of one hundred fifty thousand dollars (\$150,000.00) 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, arising from the property damage claim of *Neale R. Shinsky, Mary P. Shinsky, individually and as Co-trustees of the Neale R. and Mary P. Shinsky Trust v. City of San Diego*, San Diego Superior Court, Case No. 37-2017-00039641-CU-PO-CTL.

2. Authorizes the Chief Financial Officer to expend \$150,000.00 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. Authorizes the Department of Finance to issue a check in the amount of \$150,000.00 made payable to Wingert Grebing Brubaker & Juskie, LLP Client Trust Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Benjamin P. Syz
Deputy City Attorney

BPS:dlr
July 31, 2019
CC No. 3000012477
Or. Dept: City Attorney
Doc. No.: 2069224

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 10 2019.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/12/19
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. 3000012477
NO.: 1515

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: _____ \$150,000.00

Vendor: Wingert Grebing Brubaker & Juskie, LLP Client Trust Account

Purpose: 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 property damage claim of Shinsky v. City of San Diego, San Diego Superior Court Case No. 37-2017-00039641-CU-PO-CTL.

Date: August 13, 2019 By: Justin Byko

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
I	720045			OTHR-00000000-GG	512007	1515	1515000011		\$150,000.00
TOTAL AMOUNT									\$150,000.00

FUND OVERRIDE

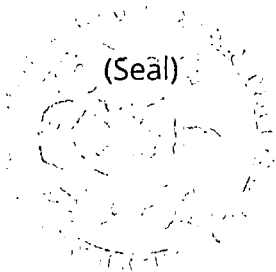
Passed by the Council of The City of San Diego on SEP 10 2019, by the following vote:

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 SEP 12 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.

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

By Ginda Brown, Deputy

Office of the City Clerk, San Diego, California

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