

RESOLUTION NUMBER R- 312857

DATE OF FINAL PASSAGE FEB 20 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SETTLEMENT OF BRANDON
DUNCAN AND AARON HARVEY.

WHEREAS, on January 11, 2017, Plaintiffs Brandon Duncan and Aaron Harvey filed suit against the City of San Diego, Rudy Castro and Scott Henderson alleging violations of the First and Fourth Amendments to the United States Constitution, entitled *Brandon Duncan, et al. v. City of San Diego, et al.*, United States District Court Case No.: 17cv0052 BTM (MDD); and

WHEREAS, on January 17, 2020, Plaintiffs, by and through their Counsel of Record, agreed to settlement of this action, in a sum consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement release; and

WHEREAS, in closed session on December 10, 2019, , the City Council, by the following votes: Yeas, Districts 1, 3, 4, 8, and 9; Nays, Districts 2, 5, and 6; Absent, District 7, approved settlement of Plaintiffs' civil rights claims in the sum of \$1,475,000; 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 \$1,475,000 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 civil rights complaint filed by Plaintiffs Brandon Duncan and Aaron Harvey.

2. Authorizes the Chief Financial Officer to expend \$1,475,000 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 Department of Finance to issue a check in the amount of \$737,500 made payable to Brandon Duncan.

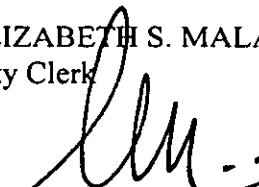
4. Authorizes the Department of Finance to issue a check in the amount of \$737,500 made payable to Aaron Harvey.

APPROVED: MARA W. ELLIOTT, City Attorney

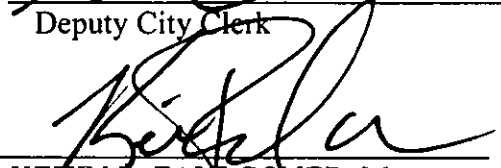
By 
Stacy J. Plotkin-Wolff
Deputy City Attorney

SJP:tb
January 17, 2020
February 11, 2020 COR. COPY
Or.Dept: City Attorney
CC No. 3000012946
Doc. No.: 2295328

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 11 2020.

ELIZABETH S. MALAND
City Clerk
By 
Deputy City Clerk

Approved: 2/20/2020
(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. NO: 3000012946
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: \$1,475,000.00

Vendor: (1) Brandon Duncan and (2) Aaron Harvey

Purpose: Settlement of Brandon Duncan, et al. v. City of San Diego, et al., Risk Mgmt Claim No. 14413.

Date: January 29, 2020 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
1	720045			OTHR-00000000-GG	512006	1515	1515000011		\$737,500.00
2	720045			OTHR-00000000-GG	512006	1515	1515000011		\$737,500.00
TOTAL AMOUNT									\$1,475,000.00

Passed by the Council of The City of San Diego on FEB 11 2020, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 20 2020

(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:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

By Connie Peterson, Deputy
for Matthew Hilario

Office of the City Clerk, San Diego, California

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