Item 109 02/15/2022

(R-2022-254)

RESOLUTION NUMBER R-___313915

DATE OF FINAL PASSAGE _____FEB 2 4 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN ESTATE OF TOBY DILLER, NIKITA DILLER, AND ROBERT DILLER AND THE CITY OF SAN DIEGO.

WHEREAS, on June 1, 2020, Estate of Toby Diller, Nikita Diller, and Robert Diller filed suit against the City of San Diego, et al. alleging personal injuries arising from an incident that occurred on January 24, 2020, at or near a frontage road along 54th Street, in the City of San Diego. The suit is entitled *Estate of Toby Diller, et al. v. City of San Diego, et al.*: United States District Case No. 20CV1003-W-MSB [Litigation]; and

WHEREAS, in Closed Session on January 11, 2022, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, and 9; Nays, District 8, and Absent, None; approved the Settlement of the Litigation for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

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

 Authorizes the Mayor or his designee to pay the sum of \$375,000.00 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 Litigation; and 2) Authorizes the Chief Financial Officer to expend an amount not to exceed

\$375,000.00 from Public Liability Fund No. 720045, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By <u>s/Rayna A. Stephan</u> Rayna A. Stephan Senior Chief Deputy City Attorney

RAS:aml January 21, 2022 Or.Dept: City Attorney CC No. 3000014545 Doc. No.: 2865653

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ______ FEB 15 2022

ELIZABETH S. MALAND City Clerk

Bv onne Deputy City Clerk

Approved:

Vetoed:

(date)

TODD GLORIA, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

				CERTIFICATE C	F UNALLOT	TED BALAN	ICE		3000014545		
								ORIGINATING DEPI NO			
				quired for the allotm Treasury, and is of			pose set forth in th	e foregoing resolu	ution is available i		
Amount:		\$375,000 Fund:					Fund:		0045		
Purpose:		Settlement of Est 24247	Settlement of Estate of Toby Diller, et al. v. City of San Diego, et al., United States District Court Case No. 20cv1003-W-MSB, Risk Claim N								
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Dat e :			Ja	anuary 26, 2022			By: <u>Nicholas (</u>	D'Donnell Nicho Comptroller's dep			
Date:			ja				By: <u>Nicholas (</u>				
Date: Doc. Item	Fund	Funded Program	Ja Internal Order			Business Area		COMPTROLLER'S DEP			
Doc.	Fund 720045	Funded Program		A	G/L Account	Business	By: <u>Nicholas (</u> Cost Center 1515000011				
Doc.		Funded Program		Functional Area	G/L Account	Business Area	Cost Center	COMPTROLLER'S DEP	Original Amount		
Doc.		Funded Program		Functional Area	G/L Account	Business Area	Cost Center	COMPTROLLER'S DEP	Original 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:		 					
Vendor:		 				<u> </u>	
Purpose:							
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Date:		 		Ву:			
					COMPTROLLER'S D	EPARTMENT	
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Doc.	 		Business				

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Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Агеа	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

CC-361 (REV 7-09)

FUND OVERRIDE

3000014545

Passed by the Council of The City of San Diego on _	FEB 1 5 2022	_, by the following vote:
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Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	Ø			
Jennifer Campbell	Ø			
Stephen Whitburn	Ø			
Monica Montgomery S	teppe 🗹			
Marni von Wilpert	Ø			
Chris Cate	Ø			
Raul A. Campillo	Ø			
Vivian Moreno		Ø		
Sean Elo-Rivera	\square			

Date of final passage _____ FEB 2 4 2022

(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:

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TODD GLORIA 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

Resolution Number R- 313915