

RESOLUTION NUMBER R- 314502

DATE OF FINAL PASSAGE DEC 09 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN THE ESTATE OF TIMOTHY GENE SMITH ET AL.
AND THE CITY OF SAN DIEGO, ET AL.

WHEREAS, on December 8, 2016 Plaintiffs the Estate of Timothy Gene Smith, by his successor in interest, Janie Richelle Sanders, Janie Richelle Sanders, Sandy Lynn Simmons, and Wyatt Allen Gunner Smith as individuals filed suit in San Diego Superior Court related to the November 4, 2015 officer-involved shooting of Timothy Gene Smith. The suit is entitled *Estate of Timothy Gene Smith, et al. v. City of San Diego, et al.*, United States District Court Case No. 16cv2989 WQH (MSB) (Litigation); and

WHEREAS, in closed session on October 18, 2022, the San Diego City Council, by the following votes: Yeas, Districts 2, 4, 5, 6, 7, and 9; Nays, none; Absent Districts 1 and 8; Recused District 3, and approved the 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. Authorizes the Mayor or his designee to pay the sum of \$495,000 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 the City of San Diego and its agents and employees, arising from the Litigation.

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2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$495,000 from Public Liability Fund No. 720045, for purpose of settling the Litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/Tyler L. Krentz
Tyler L. Krentz
Deputy City Attorney

TLK:jn2
October 19, 2022
Or.Dept: City Attorney
CC No. 3000015258

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____

ELIZABETH S. MALAND
City Clerk

By *Kristell Medina*
Deputy City Clerk

Approved: 12/9/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: CC 3000015258
1211

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: \$495,000.00

Purpose: Settlement of Estate of Timothy Gene Smith, et al. v. COSD et al., San Diego Superior Court Case No. USDC 16cv2989 WQH (MSB); Risk No. 12012

Date: November 10, 2022

By: Christopher Purcell *Christopher Purcell*
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		\$495,000.00
TOTAL AMOUNT									\$495,000.00

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: _____

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									

Passed by the Council of The City of San Diego on DEC 06 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 09 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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Kristelle Medina, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314502