

5503 9-12-23

(R-2024-45)  
COR. COPY

RESOLUTION NUMBER R- 315120

DATE OF FINAL PASSAGE SEP 18 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
JAMES JOHNSON AND THE CITY OF SAN DIEGO

WHEREAS, on June 29., 2021 James Johnson filed a lawsuit against the City of San Diego (City) alleging damages arising from his employment with the City, entitled *James Johnson v. City of San Diego, et al.* San Diego Superior Court Case No. 37-2021-00027982-CU-OE-CTL.

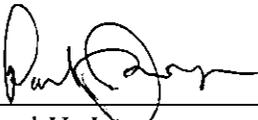
WHEREAS, in Closed Session on July 17, 2023, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 6, 8, and 9; Nays, District 4; and absent Districts 5 and 7, approved the settlement for an amount consistent with the amounts set forth below;

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

1. Authorizes the Mayor or his designee to pay the sum of \$97,975.00 from the Wastewater Treatment and Disposal Fund No. 70000, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against the City, its agents and employees, arising from James Johnson's employment with the City of San Diego asserted in a the lawsuit entitled *James Johnson v. City of San Diego, et al.* San Diego Superior Court Case No. 37-2021-00027982-CU-OE-CTL.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$97,975.00 from Wastewater Treatment and Disposal Fund No. 70000, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Paul H. James  
Deputy City Attorney

PHJ:myb  
July 21, 2023  
9/6/23 COR. COPY  
Or.Dept: City Attorney  
CC No. 3000016049  
Doc. No. 3407194

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 18 2023

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 9/15/23  
(date)

  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000016049  
DEPT. NO.: 2000

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: \_\_\_\_\_

Purpose: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	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: \_\_\_\_\_ \$97,975.00

Vendor: James Johnson

Purpose: To authorize the expenditure of funds, not to exceed \$97,975.00, to James Johnson for the settlement of James Johnson v. City of San Diego, San Diego Superior Court No. 37-2021-0000027982-CU-OE-CTI, Claim No. 26819.

Date: August 29, 2022 By: Elizabeth Warnock  
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center	IO or WBS Element	Original Amount
001	Non-Program	700001	N/A	512006	OTHR-0000000-SU	2000	2000191218	N/A	\$97,975.00
TOTAL AMOUNT									\$97,975.00

FUND OVERRIDE

SEP 12 2023

Passed by the Council of The City of San Diego on \_\_\_\_\_, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 18 2023.

**(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)

DIANA J. S. FUENTES  
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>315120</u>