

RESOLUTION NUMBER R- 315495

DATE OF FINAL PASSAGE APR 29 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SETTLEMENT BETWEEN
MICHAEL GAILBAND AND THE CITY OF SAN DIEGO.

WHEREAS, on January 24, 2021, Plaintiff Michael Gailband, a seasoned bicyclist, encountered a raised concrete panel in a bike lane on East Harbor Drive north of Schley Street that he alleges was a dangerous condition. The lawsuit is titled *Michael Gailband v. City of San Diego et al.*, San Diego Superior Court Case No. 37-2022-00013475-CU-NP-CTL (Litigation):


WHEREAS, in Closed Session on March 11, 2024, by the following votes: Yeas, Districts 1, 2, 3, 5, 6, 7, 8, and 9; Nays, None; and Vacant, District 4; authorized 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:

1. Authorizes the Mayor or his designee to pay the sum of \$60,000.00 from Public Liability Fund Number 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, its agents and employees, arising from the Litigation.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$60,000.00 from Public Liability Fund Number 720045 for the purpose of settling this Litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Michelle T. Neff
Deputy City Attorney

MTN:hhk
April 1, 2024
Or. Dept: Engineering and Capital Projects
CC No. 3000016655
Doc. No. 3591343

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 22 2024.

DIANA J.S. FUENTES
City Clerk

By Kristell Medina for Connie Patterson
Deputy City Clerk

Approved: 4/26/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000016655
DEPT. NO.: 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: \$60,000.00

Purpose: Settlement of Michael Gailband v. City of San Diego, San Diego Superior Court No, 37-2022-00013475-CU-NP-CTL, Claim No. 27425

Date: April 5, 2024 Lauren Rehkopf *Lauren Rehkopf*

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045	NON-PROGRAM		OTHR-00000000-GG	512006	1515	1515000011		\$60,000.00
TOTAL AMOUNT									\$60,000.00

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									

FUND OVERRIDE

APR 22 2024

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused	Co
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"/>	
Henry L. Foster III	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Date of final passage APR 29 2024

(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 Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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