

RESOLUTION NUMBER R- **315496**

DATE OF FINAL PASSAGE **APR 29 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
WILSON KENNEDY, III AND THE CITY OF SAN DIEGO

WHEREAS, on September 16, 2021, Plaintiff Wilson Kennedy, III filed a lawsuit against the City of San Diego alleging damages arising from his employment with the City, entitled, *Wilson Kennedy v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2021-00039314-CU-OE-CTL (Litigation); and

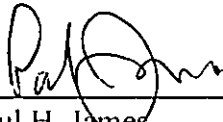
WHEREAS, in closed session on December 11, 2023, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 5, 6, 7, 8, and 9; Nays, None; and District 4 Vacant, approved settlement for an amount consistent with the amount set forth below; and NOW, THEREFORE,

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 \$250,000.00 from the Water Fund No. 700011 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 the Litigation;

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$250,000.00 from the Water Fund No. 700011 for the purpose of settling the Litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Paul H. James  
Deputy City Attorney

PHJ:myb  
March 4, 2024  
Or. Dept: City Attorney  
CC No. 3000016616  
Doc. No. 3538940

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  for Connie Patterson  
Deputy City Clerk

Approved: 4/26/24  
(date)

  
TODD GLORIA, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING

DEPT. NO.: 3000016616  
 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: \_\_\_\_\_ 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: \_\_\_\_\_ \$250,000.00

Vendor: Wilson Kennedy

Purpose: Settlement of Wilson Kennedy, III v. City of San Diego, San Diego Superior Court Case No. 37-2021-00039314-CU-OE-CTL, Claim No. 28279.

Date: March 21, 2024 By: Jessica Tran  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
I	700011			OTHR-00000000-WU	512006	2000	2000211101		\$250,000.00
TOTAL AMOUNT									\$250,000.00

FUND OVERRIDE

3000016616

Passed by the Council of The City of San Diego on APR 22 2024, 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"/>
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  
Resolution Number R- **315496**