(06 3-4-25 (R-2025-344)

RESOLUTION NUMBER R-_316078

DATE OF FINAL PASSAGE MAR 1 4 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN STEPHEN LABOR AND THE CITY OF SAN DIEGO

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

- A. On January 3, 2023, Stephen Labor filed suit against the City of San Diego, alleging a dangerous condition of public property located on Wandermere Drive approaching the intersection of Belle Glade Avenue. Plaintiff alleges that on August 31, 2021, he was injured while riding his motorcycle eastbound at or near 6950 Wandermere Drive when he encountered a large pothole and debris on the roadway causing his motorcycle to slide and fall to the right side of the road. The suit is entitled *Stephen Labor v. City of San Diego*, San Diego Superior Court Case No. 37-2023-00000186-CU-PO-CTL (Litigation).
- B. In closed session on December 16, 2024, the City Council by the following votes: Yeas, Districts 1, 2, 3, 5, 6, 7, and 9; Nays, District 4; Absent, District 8, approved the settlement of the Litigation for an amount consistent with the amounts set forth below and under such other terms more fully set forth in the Settlement Agreement.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. Authorizes the Mayor or his designee to pay the sum of \$75,000.00 from Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorneys' fees, against City of San Diego, its agents, employees, and contractors arising from the Litigation.

2.	Authorizes the Chief Financia	al Officer to appropriate and expend an amount not
to exceed \$75	5,000.00 from Public Liability I	Fund No. 720045, for the purpose of settling this
Litigation.		
	: HEATHER FERBERT, City	Attorney
By Rober Deput	rt J. Rice ty City Attorney	-
RJRjmh February 19, Or. Dept: Cit CC No. 3000 Doc. No. 396	y Attorney 0017537	
-	0 4 2025	Diego adopted this Resolution at a meeting held on
·		DIANA J.S. FUENTES City Clerk By <u>Connic Vatters</u> Deputy City Clerk
Approved:	3(13/25 (date)	CODD GLORIA, Mayor
Vetoed:	(date)	TODD GLORIA, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

TOTAL AMOUNT \$75,000.00 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 hereb further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriate or the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are malicipated 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: Purpose: By:				C	CERTIFICATE OF UN	ALLOTTE	BALAN(CE	COURIGINATING DEF	3000017537 0.: 1211
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CC 3000017537	CC-361 (R	EV 7-09)							C	FUND OVERRIDE [

Passed by the Council of The City of S	San Diego on MAR 04 2025	, by the following vote:
Councilmembers Ye Joe LaCava Jennifer Campbell Stephen Whitburn Henry L. Foster III Marni von Wilpert Kent Lee Raul A. Campillo Vivian Moreno Sean Elo-Rivera	Nays Not Preser	nt Recused
Date of final passage MAR 1 4 (Please note: When a resolution is date the approved resolution was r	approved by the Mayor, the date	
AUTHENTICATED BY:		O GLORIA of San Diego, California.
(Seal)		of San Diego, California. of San Diego, California. purple, Deputy Patterson
	Office of the City Clerk, Sa Resolution Number R-	n Diego, California