

RESOLUTION NUMBER R- 316154DATE OF FINAL PASSAGE APR 24 2025

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
SARA LEO, AS SUCCESSOR IN INTEREST OF THE ESTATE
OF CONCHITA LEO, 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 April 20, 2021, Conchita Leo filed a lawsuit in San Diego Superior Court against the City of San Diego in which she alleged violations of the Disabled Persons Act and Unruh Civil Rights Act, Dangerous Condition of Public Property, and Negligence. After Conchita Leo passed away, her successor in interest, Sara Leo, continued the case as a survival action. The suit is entitled *Sara Leo, as Successor in Interest of the Estate of Conchita Leo v. The City of San Diego, et al.*, San Diego Superior Court Case No. 37-2021-00017973-CU-CR-CTL. A related suit that alleged identical legal claims against the City was also filed on January 14, 2022, and is currently entitled *Sara Leo, et al. v. Velarde Family Trust, et al.*, San Diego Superior Court Case No. 37-2022-00001822-CU-CR-CTL (the cases are collectively referred to as the "Litigation").

B. In closed session on February 10, 2025, the City Council, by the following votes: Yeas, Districts 3, 4, 6, 8, and 9; Nays, none; and Absent, Districts 1, 2, 5, and 7, authorized settlement of the Litigation for an amount consistent with the amounts set forth below and in accordance with 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 \$157,500.00 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 and employees, arising from the Litigation.

2. Authorize the Chief Financial Officer to appropriate and expend an amount not to exceed \$157,500.00 from Public Liability Fund No. 720045 for the purpose of settling this Litigation.

APPROVED: HEATHER FERBERT, City Attorney

By: 
George F. Schaefer
Senior Deputy City Attorney

GFS:hhk
March 7, 2025
Or. Dept: City Attorney
CC No. 3000017611
Doc. No. 3906266

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
APR 15 2025.

DIANA J.S. FUENTES
City Clerk

By: 
Deputy City Clerk

Approved: 4/23/25
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000017611
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: \$157,500.00

Purpose: Settlement of Sara Leo, as Successor in Interest of the Estate of Conchita Leo v. The City of San Diego, et al., San Diego Superior Court Case No. 37-2021-00017973-CU-CR-CTL, Risk File No. 25844

Date: March 12, 2025 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 | | \$157,500.00 |
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| TOTAL AMOUNT | | | | | | | | | \$157,500.00 |

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 |
|--------------|------|----------------|----------------|-----------------|-------------|---------------|-------------|-----|-----------------|
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| TOTAL AMOUNT | | | | | | | | | |

FUND OVERRIDE ☐

CC 3000017611

Passed by the Council of The City of San Diego on APR 15 2025, 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 24 2025.

(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.

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

(Seal)

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

316154

Resolution Number R-_____