

RESOLUTION NUMBER R- 316809

DATE OF FINAL PASSAGE JUN 15 2026

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
APPROVING THE SETTLEMENT BETWEEN PLAINTIFFS  
MARY BROWN, ET AL. 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 May 19, 2025, Plaintiffs Mary Brown, Scott Case, Patty Ducey-Brooks, Lisa Mortensen, Valorie Seyfert, Paul Alesi, Catherine Callen, Caroline Carver, Janed Guymon Casady, Gregory Helmer, Paul Krueger, Louise Rehling, Stephen Toth, David Weil, and Ronald Winterstein filed suit against Joe LaCava, Jennifer Campbell, Stephen Whitburn, Kent Lee, Vivian Moreno, Sean Elo-Rivera, in their official capacities as members of the San Diego City Council, and the City of San Diego, alleging the City's Solid Waste Management Fee, and the notice of public hearing related to the fee, violate Article XIII D, Section 6 of the California Constitution (Proposition 218). The suit is entitled *Mary Brown, et al. v. Joe LaCava, et al.*, San Diego Superior Court Case No. 25CU025589C (Litigation).

B. In closed session on May 20, 2026, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 6, 7, and 8; Nays, None; and Absent, Districts 5 and 9; approved the settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement agreement, and contingent upon the presentation and approval of multiple discretionary actions in open session, including the reduction of the City's annual fee for Fiscal Years 2028 and 2029 for solid waste collection services and the rescission of paid parking in Balboa Park (excluding San Diego Zoo parking).

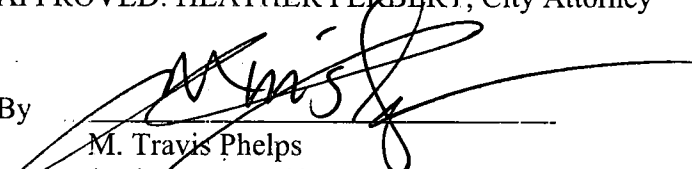
ACTION ITEMS

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

1. The Mayor or his designee is authorized to pay the sum of \$1,000,000.00 from Public Liability Fund No. 720045, in settlement of each and every cause of action, including claims for damages, interest, costs, and fees of any type, including attorneys' fees, against the City, its agents, and employees, arising from the Litigation.

2. The Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$1,000,000.00 from Public Liability Fund No. 720045, for the purpose of settling the Litigation.

APPROVED: HEATHER FERBERT, City Attorney

By   
M. Travis Phelps  
Senior Deputy City Attorney

MTP:msb  
May 21, 2026  
Or. Dept: City Attorney  
CC No. 3000018621  
Doc. No. 4439490


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

JUN 08 2026

DIANA J.S. FUENTES  
City Clerk

By   
Deputy City Clerk

Approved: 6/15/26  
(date)

  
TODD GLORIA, Mayor

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

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

# 612

The City of San Diego  
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000018621  
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: \$1,000,000.00

Purpose: Settlement of Mary Brown, et al. v. Joe LaCava, et al. San Diego Superior Court Case No. 25CU025589C, Risk Claim No. 40425

Date: June 3, 2026

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	512007	1515	1515000011		\$1,000,000.00
TOTAL AMOUNT									\$1,000,000.00

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

Passed by the Council of The City of San Diego on June 8, 2026, 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 JUN 15 2026

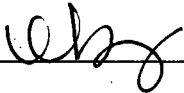
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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 , Deputy

Office of the City Clerk, San Diego, California  
  
Resolution Number **R-316809**