

000871

120

REQUEST FOR COUNCIL ACTION

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) 12/04

CITY OF SAN DIEGO

2800383

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): RISK MANAGEMENT

October 18, 2007

4. SUBJECT: SETTLEMENT OF PERSONAL INJURY CLAIM OF ADAM CHARLES LEWIS RISK MANAGEMENT FILE #: AX06-0532-2193

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.): Mike Gomez (619) 236-7096 MS #51-B

6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.):

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

Table with columns: FUND, DEPT., ORGANIZATION, OBJECT ACCOUNT, JOB ORDER, C.I.P. NUMBER, AMOUNT. Values include 81140, 3501, 4821, 081141, \$150,000.00.

9. ADDITIONAL INFORMATION / ESTIMATED COST: \$150,000.00 - Total Settlement

10. ROUTING AND APPROVALS

Routing and Approvals table with columns: ROUTE (#), APPROVING AUTHORITY, APPROVAL SIGNATURE, DATE SIGNED. Includes signatures and dates for various departments like ORIGINATING DEPARTMENT, GENERAL SERVICES, AUDITOR, FINANCIAL, MGMT, LIAISON OFFICE, RISK MANAGEMENT.

11. PREPARATION OF: [X] RESOLUTION(S) [] ORDINANCE(S) [] AGREEMENT(S) [] DEED(S)

- 1. Authorizing the Mayor to pay the sum of \$150,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personal Injury Claim of Adam Charles Lewis.
2. Authorizing the City Auditor and Comptroller to issue one check in the amount of \$150,000.00 made payable to Adam Charles Lewis & Casey Gerry Schenk Francavilla Blatt & Penfield, LLP.

11A. STAFF RECOMMENDATIONS: Approve the resolution

12. SPECIAL CONDITIONS: COUNCIL DISTRICT(S): 2 COMMUNITY AREA(S): NONE ENVIRONMENTAL IMPACT: NONE HOUSING IMPACT: This activity is not a project and therefore exempt from CEQA pursuant to the State Guidelines Section 15060(c) (3). OTHER ISSUES: PLEASE PROVIDE BONNY HSU, CITY ATTORNEY'S OFFICE, WITH A CONFORMED COPY OF THE 1472, EXECUTIVE SUMMARY AND RESOLUTION

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: October 18, 2007 REPORT NO:
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Risk Management
SUBJECT: Settlement of Personal Injury Claim of Adam C. Lewis
City File #: AX06-0532-2193
COUNCIL DISTRICT(S): 2
CONTACT/PHONE NUMBER: Mike Gomez (619) 236-7096

REQUESTED ACTION: Authorizing the Mayor and City Council to pay the total sum of \$150,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from personal injury claim of Adam Charles Lewis.

STAFF RECOMMENDATION: Approve the resolution

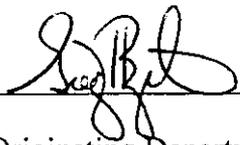
EXECUTIVE SUMMARY: The proposed settlement would resolve all claims brought by Adam Charles Lewis.

FISCAL CONSIDERATIONS: Settlement will be paid from the Public Liability Fund

PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was heard in closed session on September 11, 2007 the City Council approved the settlement amount of \$150,000.00. City Council voted 6 to 0 to approve. The motion was made by Councilmember Atkins and seconded by Councilmember Madaffer. Councilmembers Peters and Maienschein were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Deputy Chief/Chief Operating Officer

000875

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800383

ORIGINATING

DEPT. NO.:

84

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: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	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: \$150,000.00

Vendor: Adam Charles Lewis & Casey, Gerry, Schenk, Francavilla, Blatt & Penfield, LLP

Purpose: Authorizes the Mayor to pay \$150,000 in settlement of each and every claim against the City, its agents and employees, resulting from thr Personal Injury Claim of Adam Charles Lewis. Also authorizes the City Auditor & Comptroller to issue one check in the amount of \$150,000 to the above stated vendor.

Date: November 9, 2007 By: *Pam Walbrut* 11/9/07

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	81140	3501	4821	081141				\$150,000.00
TOTAL AMOUNT										\$150,000.00

FUND OVERRIDE

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN
ADAM C. LEWIS AND THE CITY OF SAN DIEGO IN THE
AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS

WHEREAS, in Closed Session on September 11, 2007, by motion of Councilmember Atkins and second by Councilmember Madaffer, the City Council, by the following Vote: Yeas, 6; Nays, None; Not Present, Council President Peters and Councilmember Maienschein, approved the following motion:

To approve the mediated settlement agreement of each and every claim against the City of San Diego, its agents and employees, resulting from the personal injury claim in *Adam C. Lewis v. City of San Diego*.

BE IT RESOLVED, that the City Auditor and Comptroller be and is hereby authorized to issue a check in the sum of \$150,000 made payable to Adam Lewis and Casey Gerry Schenk Francavilla Blatt & Penfield, LLP in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to pay the sum of \$150,000 from the Public Liability Fund 81140.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____

Bonny Hsu
Deputy City Attorney

HS:my
10/3/07
Or.Dept:Risk
R-2008-73
Aud. Cert:

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor