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3/27

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 533-5800

DATE: March 12, 2007
TO: Michelle Strauss
FROM: Bonny Hsu, Deputy City Attorney
SUBJECT: Property Damage Claim of Conrad Schaefer

Attached please find Resolution R-2007-883 setting forth the approval of the City Council in Closed Session on February 6, 2007. The Auditor's Certificate was not requested prior to Council action in Closed Session. The vote taken in Open Session shall be the official vote.

Pursuant to the requirements, it is appropriate for this resolution to be placed on the next available Council docket for Council adoption confirming the Council's action in Closed Session.

It is therefore requested that it be calendared for the next available docket.

Attachment

000507 REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)
AC2700538
January 26, 2007

TO: CITY ATTORNEY
2. FROM (ORIGINATING DEPARTMENT): RISK MANAGEMENT DEPARTMENT

4. SUBJECT:
SETTLEMENT OF PERSONAL INJURY CLAIM of CONRAD SCHAEFER
RISK MANAGEMENT FILE #: LX06-0534-0569

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

FUND	81140				9. ADDITIONAL INFORMATION / ESTIMATED COST: \$74,000.00 – Total Settlement
DEPT.	81140				
ORGANIZATION	3302				
OBJECT ACCOUNT	4823				
JOB ORDER	081141				
C.I.P. NUMBER					
AMOUNT	\$74,000.00				

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>		8	DEPUTY CHIEF / CFO	<i>[Signature]</i>	1-30-07
2	General Services	<i>[Signature]</i>		9	COO	<i>[Signature]</i>	
3	AUDITOR	<i>[Signature]</i>	3-07/07	10	CITY ATTORNEY	<i>[Signature]</i>	3/9/07
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT		
5	Fin. Mgmt.	<i>[Signature]</i>	2-13-07		DOCKET COORD: <i>[Signature]</i>	COUNCIL LIAISON: <i>[Signature]</i>	3/13/07
6					<input checked="" type="checkbox"/> COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT
7					<input type="checkbox"/> REFER TO:	COUNCIL DATE: 3/27/07	

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

1. Authorizing the Mayor to pay from the Public Liability Fund (81140) the sum of \$74,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personal Injury Claim of Conrad Schaefer.
2. Authorizing the City Auditor and Comptroller to issue one check in the amount of \$74,000.00 payable to Conrad Schaefer and his attorney of record Steven Gnaou.
3. Authorizing the City Council to ^{APPROPRIATE &} transfer funds of \$74,000.00 from the General Fund unallocated reserves to the Public Liability Fund 81140.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

000508

COUNCIL DISTRICT(S): 1

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: NONE

000509

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: January 26, 2007 REPORT NO:
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Risk Management
SUBJECT: Settlement of Personal Injury Claim of Conrad Schaefer
City File #: LX06-0534-0569
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 \$74,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from personal injury claim of Conrad Schaefer.

STAFF RECOMMENDATION: Approve the resolution

EXECUTIVE SUMMARY: The proposed settlement would resolve all claims brought by Conrad Schaefer.

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

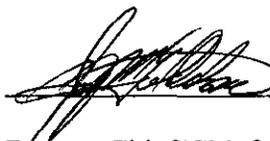
PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was heard in closed session on February 6, 2007. A motion was made by Council President Peters and seconded by Councilmember Madaffer to authorize settlement in the amount of \$74,000. This item passed 7 to 0 with Councilmember Hueso absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Deputy Chief/Chief Operating Officer

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN
CONRAD SCHAEFER AND THE CITY OF SAN DIEGO IN THE
AMOUNT OF SEVENTY-FOUR THOUSAND DOLLARS

WHEREAS, in Closed Session on February 6, 2007, by motion of Council President
Peters and second by Councilmember Madaffer , the City Council, by the following Vote: Yeas,
7; Nays, None; Not Present, Councilmember Hueso, 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 and property damage
claim of *Conrad Schaefer 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 \$74,000 made payable to CONRAD SCHAEFER and Attorney
STEVEN GNAU in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to
appropriately transfer funds of \$74,000 from the General Fund unallocated reserves to the Public
Liability Fund 81140.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By  _____
Bonny Hsu
Deputy City Attorney

HS:my
3/9/07
Or.Dept:Risk
R-2007-883
Aud. Cert: AC2700538

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