

001821

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE O.

AC 2800128

.115
914

TO:
CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
RISK MANAGEMENT DEPARTMENT

July 17, 2007

4. SUBJECT:
**SETTLEMENT OF PERSONAL INJURY SUBROGATION CLAIM OF SPECIALTY RISK SERVICES
RISK MANAGEMENT FILE #: LX06-7773-0371**

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.)

Janice Ellis (619) 236-7705 MS-51B

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

Bonny Hsu X-36371 MS # 59

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	41506		
DEPT.	773		
ORGANIZATION	170		
OBJECT ACCOUNT	4823		
JOB ORDER	1707		
C.I.P. NUMBER			
AMOUNT	\$85,000.00		

9. ADDITIONAL INFORMATION / ESTIMATED COST:
\$85,000.00 - Total Settlement

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	7/25/07	8	DEPUTY CHIEF		
2	MWWWD	<i>[Signature]</i>	7/24/07	9	COO	<i>[Signature]</i>	7/26/07
3	AUDITOR	<i>[Signature]</i>	8/16/07	10	CITY ATTORNEY	<i>[Signature]</i>	7/25/07
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	7/25/07
5	RISK MANAGEMENT	<i>[Signature]</i>	7-20-07	DOCKET COORD: <i>[Signature]</i> COUNCIL LIAISON: _____			
6	Fiscal Mgmt	<i>[Signature]</i>	8/13/07	<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 8/4/07			
7							

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

1. Authorizing the Mayor to pay the sum of \$85,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personal Injury Subrogation Claim of Specialty Risk Services.
2. Authorizing the City Auditor and Comptroller to issue one check in the amount of \$85,000.00 payable to Specialty Risk Services.

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 Sheet, Resolution and the AC.

001823

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED: July 25, 2007 REPORT NO:
ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Risk Management
SUBJECT: Settlement of Personal Injury Subrogation Claim of
SPECIALTY RISK SERVICES
City File #: LX06-7773-0371
COUNCIL DISTRICT(S): 2
CONTACT/PHONE NUMBER: Janice Ellis (619) 236-7705

REQUESTED ACTION: Authorizing the Mayor to pay the sum of \$85,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personal Injury Subrogation Claim of Specialty Risk Services.

STAFF RECOMMENDATION: Approve the resolution.

EXECUTIVE SUMMARY: The proposed settlement would resolve all claims arising from the Personal Injury Subrogation Claim.

FISCAL CONSIDERATIONS: Settlement will be paid from MWWF Funding.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was considered in closed session on July 24, 2007, the City Council approved the settlement amount of \$85,000. City Council voted 6 to 0. The motion was made by Councilmember Hueso with a second by Councilmember Atkins. Councilmember Maienschein and Councilmember Young were absent.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Deputy Chief/Chief Operating Officer

001825

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE
ORIGINATING

AC 2800128
DEPT. NO.: 773

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: _____

Purpose: _____

Date: August 16, 2007

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: \$85,000.00

Vendor: Specialty Risk Services

Authorizing the expenditure of funds for the personal injury subrogation claim of Specialty Risk Services.

Date: August 16, 2007

By: *L. Sauter*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA											
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT	
1	0	41506	773	170	4823	1707					\$85,000.00
TOTAL											\$85,000.00

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
SPECIALTY RISK SERVICES AND THE CITY OF SAN DIEGO IN
THE AMOUNT OF EIGHTY THOUSAND DOLLARS

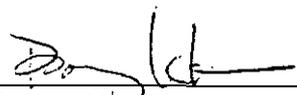
WHEREAS, in Closed Session on July 24, 2007, by motion of Councilmember Hueso and second by Councilmember Atkins, the City Council, by the following Vote: Yeas, 6; Nays, None; Not Present, Councilmembers Young and Maienschein, approved the following motion:

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 *Specialty Risk Services 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 \$85,000 made payable to SPECIALTY RISK SERVICES 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 \$85,000 from MWWF Funding.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By  _____
Bonny Hsu
Deputy City Attorney

HS:my
7/25/07
8/31/07 Cor.Copy
Or.Dept:Risk
R-2008-101
Aud. Cert: AC2800128

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