

001829

REQUEST FOR COUNCIL ACTION  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE)

2800068

116  
014

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):  
CITY ATTORNEY

June 21, 2007

4. SUBJECT:

SETTLEMENT OF PERSONAL INJURY CLAIM OF PAUL ANTHONY LOPEZ, ET AL.  
RISK MANAGEMENT FILE #: AX06-0110-0122

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

John Riley (619) 236-7263 MS #59

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

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:
81140	81140	3111	4821	081141		\$85,000.00	\$ 8,255.24 - Previously Paid 85,000.00 - Outstanding \$93,255.24 - 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>	6-28-07	8	DEPUTY CHIEF		
2	POLICE DEPT.	<i>[Signature]</i>	7/2/07	9	COO / CEO	<i>[Signature]</i>	7/1/07
3	AUDITOR	<i>[Signature]</i>	7/27/07	10	CITY ATTORNEY	<i>[Signature]</i>	
4	Fin. Mgmt	<i>[Signature]</i>	7/24/07	11	ORIGINATING DEPARTMENT	<i>[Signature]</i>	6-28-07
5	LIAISON OFFICE	<i>[Signature]</i>	7/17/07		DOCKET COORD:		
6	RISK MANAGEMENT	<i>[Signature]</i>	6-28-07		COUNCIL LIAISON:		
7					<input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 9/4/07		

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 \$85,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from the Personal Injury Claim of Paul Anthony Lopez, et al.
2. Authorizing the City Auditor and Comptroller to issue five separate checks, first check is to be made payable to Paul Anthony Lopez & Estela Lopez & their attorney of record, Francisco Sanchez, Jr. for \$77,000.00; second check is to be made payable to Accent Recovery Solutions, as agent for Sante Health & Blue Shield for David Lopez for \$1,940.00; third check is to be made payable to Paul and Estela Lopez for minor David Lopez in the amount of \$2,560.00; fourth check is to be made payable to Accent Recovery Solutions, as agent for Sante Health & Blue Shield for Alex Lopez in the amount of \$1,075.00; and the fifth check is to be made payable to Paul Anthony Lopez and Estela Lopez for minor Alex Lopez in the amount of \$2,425.00.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

22  
2007 JUL -5 AM 9:52  
R.H.S.D.

TREAT AS AN ORIGINAL

**EXECUTIVE SUMMARY SHEET**  
CITY OF SAN DIEGO

DATE ISSUED: June 21, 2007 REPORT NO:  
ATTENTION: Council President and City Council  
ORIGINATING DEPARTMENT: Risk Management  
SUBJECT: Settlement of Personal Injury Claim of Paul Anthony Lopez, et al.  
City File #: AX06-0110-0122  
COUNCIL DISTRICT(S): 2  
CONTACT/PHONE NUMBER: John Riley (619) 236-7263

REQUESTED ACTION: Authorizing the Mayor and City Council to pay the total sum of \$85,000.00 in settlement of each and every claim against the City, its agents and employees, resulting from personal injury claim of Paul Anthony Lopez, et al.

STAFF RECOMMENDATION: Approve the resolution

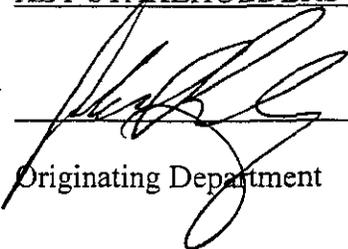
EXECUTIVE SUMMARY: The proposed settlement would resolve all claims brought by Paul Anthony Lopez, et al.

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

PREVIOUS COUNCIL and/or COMMITTEE ACTION: This item was considered in closed session on March 27, 2007 the City Council approved the settlement amount of \$85,000.00. City Councilmember Atkins moved, Faulconer seconded; voted 5-0 passed, absent were Councilmembers Madaffer, Young, and Hueso.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A

  
\_\_\_\_\_  
Originating Department

  
\_\_\_\_\_  
Deputy Chief/Chief Operating Officer

001832

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:

NONE

001833

The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2800068

ORIGINATING

DEPT. NO.:

45

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: \$85,000.00

Vendor: N/A

Purpose: Authorizing the Mayor to pay from the Public Liability Fund (81140) the sum of \$85,000 in the settlement of each and every claim against the City resulting from the personal injury claim of Paul Anthony Lopez. Authorize the City Auditor to issue five checks to various parties in relation to the settlement.

Date: July 30, 2007

By: *Pam Walker* *7/30/07*  
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	3111	4821	81141				\$85,000.00
TOTAL AMOUNT										\$85,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2800068

001835

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO  
AUTHORIZING THE SETTLEMENT AGREEMENT BETWEEN  
PAUL LOPEZ, ET AL. AND THE CITY OF SAN DIEGO IN THE  
AMOUNT OF EIGHTY-FIVE THOUSAND DOLLARS

WHEREAS, in Closed Session on March 27, 2007, by motion of Councilmember Atkins and second by Councilmember Faulkner; the City Council, by the following Vote: Yeas, 5; Nays, None; Not Present, Councilmember Madaffer, Young and Hueso, approved the following motion:

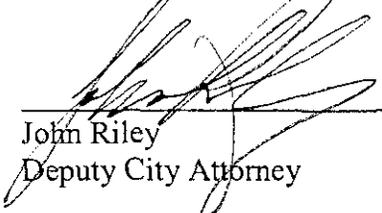
To approve the mediated settlement agreement of each and every claim against the City of San Diego, its agents and employees, resulting from the personal injury and property damage claim of *Paul Lopez, et al. v. City of San Diego, et al.*

BE IT RESOLVED, that the City Auditor and Comptroller be and is hereby authorized to issue five checks in the sum total of \$85,000, in full settlement of this lawsuit and of all claims to be paid by issuing five checks as follows:

1. \$1,940.00 to Accent noted as "agent for Sante Health and Blue Shield for David Lopez"
2. \$2,560.00 to Paul and Estela Lopez for minor David Lopez
3. \$1,075.00 to Accent noted as "agent for Sante Health and Blue Shield for Alex Lopez"
4. \$2,425.00 to Paul and Estela Lopez for minor Alex Lopez
5. \$77,000.00 to Paul and Estela Lopez and attorney Francisco Sanchez, Jr.

BE IT FURTHER RESOLVED, that the City Council is hereby authorized to appropriately transfer funds of \$85,000 from the General Fund unallocated reserves to the Public Liability Fund 81140.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By  \_\_\_\_\_  
John Riley  
Deputy City Attorney

JR:my  
4/16/07  
Or.Dept:Risk  
R-2007-996  
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