

RESOLUTION NUMBER R- 313636

DATE OF FINAL PASSAGE JUN 30 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
SUSAN LANIER AND THE CITY OF SAN DIEGO.

WHEREAS, on October 11, 2019, Susan LaNier filed a lawsuit against the City of San Diego [City] alleging economic and emotional distress damages arising from the termination of her employment with the City on February 20, 2019, entitled *Susan LaNier v. City of San Diego, et al.* San Diego Superior Court Case No. 37-2019-00054404-CU-WT-CTL.

WHEREAS, in Closed Session on June 15, 2021, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 7, 8 and 9; Nays, None; and Absent, 6, approved the Settlement for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Council:

1) Authorizes the Mayor or his designee to pay the total sum of \$198,557.51, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from Plaintiff's employment and termination of Plaintiff's employment with the City.

2) Authorizes the Chief Financial Officer to expend \$125,000.00 (consisting of \$61,250.00 (49%) from Water Utility Operating Fund No. 700011; \$41,250.00 (33%) from Metro Sewer Revenue Fund No. 700001; and \$22,500.00 (18%) from Muni Sewer Revenue Fund No. 700000), for the payment of general damages.

3) Authorizes the Chief Financial Officer to expend \$73,557.51 (consisting of \$36,043.18 (49%) from Water Utility Operating Fund No. 700011; \$24,273.98 (33%) from

Metro Sewer Revenue Fund No. 700001; and \$13,240.35 (18%) from Muni Sewer Revenue Fund No. 700000), for the payment of past wages and interest.

4) Authorizes the Department of Finance Director and City Comptroller to issue a payroll check to Plaintiff for a negotiated sum of wages, interest, and employer tax contributions for the period of February 21, 2019 to August 23, 2019, at a gross amount of \$73,557.51, from which employee taxes and contributions due to the San Diego City Employees' Retirement System shall be withheld.

APPROVED: MARA W. ELLIOTT, City Attorney

By s/Paul H. James
Paul H. James
Deputy City Attorney

PHJ:mmm
June 18, 2021
Or.Dept:City Attorney
CC No. 300014155
Doc. No.: 2693038

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 06/29/2021

ELIZABETH S. MALAND
City Clerk

By /s/Linda Irvin
Deputy City Clerk

Approved: 6/30/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO. 3000014155
2000

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: _____

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

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: _____ \$198,557.51

Vendor: Susan LaNier

Purpose: Settlement of Susan LaNier v. City of San Diego, San Diego Superior Court Case No. 37-2019-00054404-CU-WT-CTL, Claim No. 22315

Date: _____ June 22, 2021

By: Jessica Tran
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	700011			OTHR-00000000-WU	512006	2000	2000120001		\$61,250.00
2	700001			OTHR-00000000-SU	512006	2000	2000120001		\$41,250.00
3	700000			OTHR-00000000-SU	512006	2000	2000120001		\$22,500.00
4	700011			OTHR-00000000-WU	500011	2000	2000120001		\$36,043.18
5	700001			OTHR-00000000-SU	500011	2000	2000120001		\$24,273.98
6	700000			OTHR-00000000-SU	500011	2000	2000120001		\$13,240.35
TOTAL AMOUNT									\$198,557.51

FUND OVERRIDE
3000014155

Passed by the Council of The City of San Diego on JUN 29 2021, 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"/>
Monica Montgomery Steppe	<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"/>
Chris Cate	<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 30 2021

(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)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Zenda Irwin, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **313636**