

Item #101
11/16/2021

(R-2022-121)

RESOLUTION NUMBER R- 313786

DATE OF FINAL PASSAGE NOV 22 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
TOCICCHIA MADDOX AND THE CITY OF SAN DIEGO.

WHEREAS, on July 19, 2019, Tocicchia Maddox filed suit against the City of San Diego, alleging personal injury arising from a bicycle accident due to a depression on a roadway located at the 3500 block of Balboa Avenue, in the City of San Diego. The suit is entitled *Tocicchia Maddox v. City of San Diego*, San Diego Superior Court Case No. 37-2019-00064271-CU-PO-CTL; and

WHEREAS, in Closed Session on October 5, 2021, the San Diego City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None; and All Present, 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 sum of \$97,500.00 from the Sewer Fund No. 700000, 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 the personal injury complaint filed by Tocicchia Maddox.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$97,500.00 from Sewer Fund No. 700000, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By Onu O. Omordia
Onu O. Omordia
Deputy City Attorney

OOO:gk
October 18, 2021
Or.Dept: City Attorney
CC No. 3000014385
Doc. No.: 2789496

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 16 2021.

ELIZABETH S. MALAND
City Clerk

By Cannie Patterson
Deputy City Clerk

Approved: 11/17/21
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 3000014385
 DEPT. NO.: 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: _____
 Purpose: _____

 Date: _____ By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	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: \$97,500.00
 Vendor: Tocicchia Maddox
 Purpose: To authorize the expenditure of funds, not to exceed \$97,500.00, to Tocicchia Maddox for the settlement of Tocicchia Maddox v. City of San Diego, San Diego Superior Court Case No. 37-2019-00064271-CU-PO-CTL, Risk Claim No. 23249.
 Date: October 26, 2021 By: Elizabeth Warnock
 Elizabeth Warnock
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center	IO or WBS Element	Original Amount
001	Non-Program	700000	N/A	512006	OTHR-00000000-SU	2000	2000180001	N/A	\$97,500.00
TOTAL AMOUNT									\$97,500.00

Passed by the Council of The City of San Diego on NOV 16 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 22 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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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