

103
11/16

(R-2022-104)
(COR. COPY)

RESOLUTION NUMBER R- 313788

DATE OF FINAL PASSAGE NOV 29 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
JUAN CARLOS VINOLO AND EMMA IBARRAGORRI
GUTIERREZ AND THE CITY OF SAN DIEGO.

WHEREAS, on May 19, 2016, JUAN CARLOS VINOLO and EMMA IBARRAGORRI GUTIERREZ filed a complaint against the City of San Diego (City), alleging personal injury from an accident that occurred on August 12, 2014, on Fiesta Island Road, entitled *Juan Carlos Vinolo and Emma Ibarra Gorri Gutierrez v. City of San Diego*, San Diego Superior Court Case No. 37-2016-00016857-CU-PA-CTL; and

WHEREAS, on September 21, 2021, the San Diego City Council by the following votes: Yeas, Districts: 1, 2, 3, 4, 6, 7, 8 and 9; Nays, none; and Absent, 5, 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 \$23,750,000.00 from Public Liability Fund No. 720045 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 lawsuit *Juan Carlos Vinolo and Emma Ibarra Gorri Gutierrez v. City of San Diego*, San Diego Superior Court Case No. 37-2016-00016857-CU-PA-CTL.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$23,750,000.00 from the Public Liability Fund No. 720045, for the purpose of settling this claim.


APPROVED: MARA W. ELLIOTT, City Attorney

By 
Lilys D. McCoy
Deputy City Attorney

LDM:gk:aml
September 24, 2021
November 23, 2021 Cor. Copy
Or.Dept: City Attorney
CC No. 3000014387
Doc. No.: 2767091

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  for Connie Patterson
Deputy City Clerk

Approved: 11/27/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. 3000014387
NO.: 1515

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: \$23,750,000 Fund: 720045

Purpose: Settlement of Juan Carlos Vinolo and Emma Ibarraorri Gutierrez v. City of San Diego, San Diego Superior Court Case No. 37-201600016857-CU-PA-CTL, Risk No. 10737

Date: October 27, 2021 By: Nicholas O'Donnell *Nicholas O'Donnell*
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	720045			OTHR-00000000-GG	512006	1515	1515000011		\$23,750,000
TOTAL AMOUNT									\$23,750,000

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: _____

Vendor: _____

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									

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 29 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 [Signature] for Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313788