

RESOLUTION NUMBER R- 313941

DATE OF FINAL PASSAGE MAR 02 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN DARIN BARIONI, *DECEASED, BY AND THROUGH HIS SUCCESSORS IN INTEREST, JENNY BARIONI AND GRACE BARIONI*, GRACE BARIONI AND JENNY BARIONI; AND THE CITY OF SAN DIEGO.

WHEREAS, on October 2, 2015, Darin Barioni filed suit against the City of San Diego alleging personal injuries arising from a motorcycle accident that occurred on October 17, 2014, on Via Capri, La Jolla. The suit is entitled *Darin Barioni v. City of San Diego*: San Diego Superior Court Case No. 37-2015-00033388-CU-PO-CTL. On September 15, 2020, following Darin Barioni's death of June 17, 2020, Darin Barioni's daughters, Grace Barioni and Jenny Barioni, filed suit against the City of San Diego alleging personal injuries for the death of Darin Barioni, alleging that Darin Barioni's death was related to his motorcycle accident. The suit is entitled *Grace Barioni and Jenny Barioni v. City of San Diego*: San Diego Superior Court Case No. 37-2020-00032337-CU-NP-CTL. Both suits, *Darin Barioni v. City of San Diego*: San Diego Superior Court Case No. 37-2015-00033388-CU-PO-CTL, and *Grace Barioni and Jenny Barioni v. City of San Diego*: San Diego Superior Court Case No. 37-2020-00032337-CU-NP-CTL were consolidated [Consolidated Litigation]; and

WHEREAS, in Closed Session on January 25, 2022, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None, and Absent, None; approved the Settlement of the Consolidated Litigation for an amount consistent with the amounts set forth below;

NOW, THEREFORE,

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

1) Authorizes the Mayor or his designee to pay the sum of \$1,325,000.00 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 Consolidated Litigation; and

2) Authorizes the Chief Financial Officer to expend an amount not to exceed \$1,325,000.00 from Public Liability Fund No. 720045, for the purpose of settling these claims.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Rayna A. Stephan
Rayna A. Stephan
Senior Chief Deputy City Attorney

RAS:aml
February 1, 2022
Or.Dept: Transportation
CC No.: 300014586
Doc. No.: 2876277

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 01 2022.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 3/2/22
(date)

[Signature]
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 3000014586
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: \$1,325,000 Fund: 720045

Purpose: Settlement of Darin Barioni v. City of San Diego, SDSC Case No. 37-2015-00033388-CU-PO-CTL, Risk Claim No. 11065.

Date: February 8, 2022 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		\$1,325,000
TOTAL AMOUNT									\$1,325,000

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									

FUND OVERRIDE
3000014586

Passed by the Council of The City of San Diego on MAR 01 2022, 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 MAR 02 2022

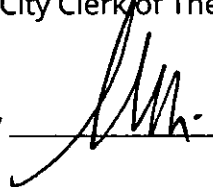
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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 , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 313941