

RESOLUTION NUMBER R- 314639
DATE OF FINAL PASSAGE MAR 13 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN
ERIKA GARCIA AND THE CITY OF SAN DIEGO

WHEREAS, on December 19, 2018, Erika Garcia and Davian Lewis by and through his guardian ad litem Corey Lewis filed a lawsuit against the City of San Diego, entitled *Erika Garcia et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2018-00063914-CU-PA-CTL, alleging damages from a motor-vehicle accident that occurred on March 7, 2018 with San Diego Police Department Police Officer Michael McGruder;

WHEREAS, in Closed Session on December 13, 2022, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, 8 and 9; Nays, none; and absent, none, approved the Settlement 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 \$100,000 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 the City, its agents and employees, arising from Erika Garcia's and Davian Lewis's, by and through his guardian ad litem Corey Lewis motor-vehicle accident with San Diego Police Department Police Officer Michael McGruder asserted in the lawsuit entitled *Erika Garcia et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2018-00063914-CU-PA-CTL.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed

\$100,000 from Public Liability Fund No. 720045, for the purpose of settling this claim.

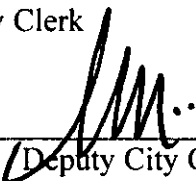
APPROVED: MARA W. ELLIOTT, City Attorney

By 
Daniela N. Loomis
Deputy City Attorney

DNL:myb
February 3, 2023
Or.Dept: City Attorney
CC No. 3000015529
Doc. No. 3174828

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 07 2023.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 3/13/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 3000015529
NO.: 1211

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: \$100,000.00

Purpose: Settlement of Erika Garcia et al. v. City of San Diego, et al., San Diego Superior Court Case No. 37-2018-00063914-CU-PA-CTL, Claim No. 19688

Date: February 12, 2023

By: Christopher Purcell *Christopher Purcell*
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 | 512004 | 1515 | 1515000011 | | \$100,000.00 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | \$100,000.00 |

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 |
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| TOTAL AMOUNT | | | | | | | | | |

FUND OVERRIDE

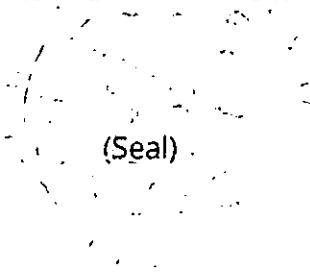
Passed by the Council of The City of San Diego on MAR 07 2023, by the following vote:

| 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"/> |
| Kent Lee | <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 13 2023.

(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:



(Seal)

TODD GLORIA

Mayor of The City of San Diego, California.

DIANA J.S. FUENTES

Interim City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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