

RESOLUTION NUMBER R- 315414

DATE OF FINAL PASSAGE MAR 22 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO CORRECTING THE SETTLEMENT AMOUNT
BETWEEN HARRY CORNELL BEANS, III, AND THE CITY
OF SAN DIEGO.

WHEREAS, on June 20, 2022, Harry Cornell Beans, III, filed a lawsuit against City of San Diego alleging personal injuries from an incident that occurred on July 15, 2021, in La Jolla, City of San Diego, entitled *Beans vs City of San Diego*, San Diego County Superior Court No. 37-2022-00025031-CU-PA-CTL (Litigation); and

WHEREAS, in Closed Session on October 16, 2023, by the following votes: Yeas, Districts 1, 2, 3, 5, 6, and 9; Nays, None; and Absent, Districts 4, 7, and 8; the City Council of the City of San Diego approved the Settlement of the Litigation for \$150,000; and

WHEREAS, on November 22, 2023, the City Council of the City of San Diego adopted Resolution No. R-315221 (R-2024-143) authorizing the Mayor or his designee to pay the sum of \$146,000.00 from the Public Liability Fund No. 720045 in settlement of the Litigation; and

WHEREAS, on November 22, 2023, the City Council of the City of San Diego adopted Resolution No. R-315221 (R-2024-143) authorizing the Chief Financial Officer to expend an amount not to exceed \$146,000.00 from the Public Liability Fund No. 720045 for the purpose of settling the Litigation; and

WHEREAS, the \$146,000.00 authorized by Resolution No. R-315221 was the incorrect amount agreed upon by the parties to settle the Litigation; and

WHEREAS, the correct amount to settle the Litigation is \$150,000.00; NOW,
THEREFORE,

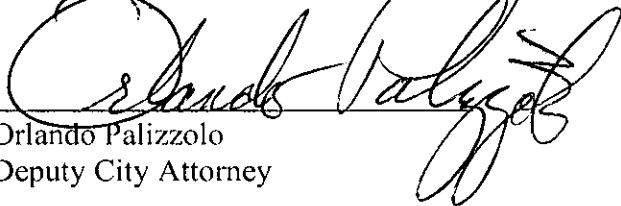
BE IT RESOLVED, by the City Council of the City of San Diego, that the Council:

1. Rescinds Resolution No. R-315221 (R-2024-143).

2. Authorizes the Mayor or his designee to pay the sum of \$150,000.00 from the 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 Litigation.

3. Authorizes the Chief Financial Officer to expend an amount not to exceed \$150,000.00 from the Public Liability Fund No. 720045, for the purpose of settling the Litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Orlando Palizzolo
Deputy City Attorney

OP:hhk
Date: December 28, 2023
Or. Dept: City Attorney
CC No. 3000016243
Doc. No. 3511481

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 12 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 3/22/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000016243
DEPT. 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: \$150,000.00

Purpose: Settlement of Harry Cornell Beans, III v. City of San Diego, San Diego Superior Court No. 37-2022-00025031-CU-PA-CTL, Claim No. 27652

Date: February 20, 2024

Lauren Rehkopf *Lauren Rehkopf*

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045	NON-PROGRAM		OTHR-00000000-GG	512006	1515	1515000011		\$150,000.00
TOTAL AMOUNT									\$150,000.00

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
TOTAL AMOUNT									

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000016243

Passed by the Council of The City of San Diego on MAR 12 2024, 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"/>
District 4 - vacant	<input 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 22 2024.

(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)

DIANA J.S. FUENTES
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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