

**RESOLUTION NO. 13-2017**

**RESOLUTION APPROVING, AND AUTHORIZING THE CITY MANAGER TO EXECUTE,  
THAT CERTAIN CONSENT DECREE AND FINAL ORDER REGARDING GIOVANNI  
GUADAGNINI V. CITY OF PACIFICA**

**WHEREAS**, the on October 13, 2015 Giovanni Guadagnini ("Guadagnini") filed suit against the City of Pacifica alleging that the City's failed to comply with various federal and state disability rights statutes, including the Americans with Disabilities Act; and

**WHEREAS**, the City has negotiated a Consent Decree and Final Order ("Consent Decree") to resolve Guadagnini's claims for injunctive relief; and

**WHEREAS**, the City Council determines that agreeing to the terms of the Consent Decree is in the public interest because it will allow the City to resolve these claims without further costly litigation or admission of liability;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pacifica that:

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. CEQA Findings. The City Council does hereby further finds this action to be exempt pursuant to Section 15301 and 15302 of the CEQA Guidelines.

Section 3. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the Consent Decree and Final Order attached hereto as Exhibit A and incorporated herein by this reference is hereby approved.
- b. That the City Manager is hereby delegated authority to, is authorized to, and directed to execute the Consent Decree substantially in the form attached hereto as Exhibit A, subject to minor, technical changes approved by the City Attorney.
- c. That the City Manager or her designee is authorized and directed to execute such additional instruments and to take such actions as necessary to carry out the intent of this Resolution.

Section 4. This Resolution shall take effect immediately upon adoption.

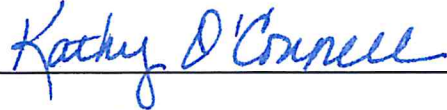
**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Pacifica, California, held on March 27, 2017 the following vote:

AYES, Council Members: Martin, Vaterlaus, Digre, Keener, O'Neill  
NOES, Council Members: None  
ABSENT, Council Members: None  
ABSTAIN, Council Members: None



Mike O'Neill, Mayor

ATTEST:



Kathy O'Connell, City Clerk

APPROVED AS TO FORM:



Michelle Marchetta Kenyon, City Attorney