RESOLUTION NUMBER R- 310682

DATE OF FINAL PASSAGE SEP 26 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN KEVIN HYCHKO, AND THE CITY OF SAN DIEGO

WHEREAS, on November 13, 2015, Petitioner KEVIN HYCHKO, filed suit against the City of San Diego [City] and Shelley Zimmerman, Chief of Police, alleging violations of the Peace Officer Bill of Rights Act [POBR] in the investigation that resulted in the termination of Petitioner. Petitioner brought suit in the San Diego Superior Court. The suit is entitled *Kevin Hychko v. City of San Diego*, *Shelley Zimmerman*, *Chief of Police*, *and Does 1 through 20*, Case No 37-2015-00038047-CU-WM-CTL and

WHEREAS, in Closed Session on July 26, 2016, the City Council, by the following votes: Yeas, Districts 1, 2, 4, 5, and 9; Nays, Districts 3, 6, 7, and 8; Districts all present, approved the Settlement, and

WHEREAS, the City Council in closed session on July 26, 2016, authorized settlement of the Litigation 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 authorizes:

1. The Mayor or his designee to pay the sum of \$180,000.00 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 the City of San Diego, its agents and employees, arising from the employment and property damage claim of *Kevin Hychko v. City of*

San Diego, Shelley Zimmerman, Chief of Police, and Does 1 through 20, San Diego Superior Court Case No. 37-2015-00038047-CU-WM-CTL.

- 2. The Chief Financial Officer to expend \$180,000.00 from the Public Liability Fund, Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.
- 3. The Comptroller to issue a check in the amount of \$180,000.00, made payable to Castillo Harper APC Client Trust Account.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

Angela Ti Mullins

Deputy City Attorney

ATM:tsc 8/9/2016

Or. Dept: Risk Management CC No. C3000009203

Doc. No.: 1334208

1 hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 13 2016

ELIZABETH S. MALAND

City Clerk

By // The Deputy City Cler

(data)

KEVIN L. FAULCONER, Mayo

Vetoed:

(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

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Passed by the Council of T	The City of San Diego on	SEP 1 3 2016 , by		the following vote:	
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Councilmembers	Yeas	Nays	Not Present	Recused	
Sherri Lightner	$ ot \square$				
Lorie Zapf	$ ot \hspace{-1em} \not \hspace{-1em} \square$				
Todd Gloria		\not			
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Scott Sherman		\mathbb{Z}			
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AUTHENTICATED BY:		N	KEVIN L. FAU Mayor of The City of S		
(Seal)		Cit	ELIZABETH S. ty Clerk of The City of	MALAND San Diego, California. , Deputy	
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Office of the City Clerk, San Diego, California

310682

Resolution Number R-_