

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:

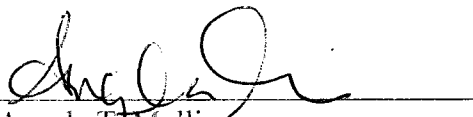
1. The Mayor or his designee to pay the sum of \$180,000.00 from the Public Liability Fund No. 720045 in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City of San Diego, its agents and employees, arising from the employment 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 T. Mullins  
Deputy City Attorney

ATM:tsc  
8/9/2016  
Or. Dept: Risk Management  
CC No. C3000009203  
Doc. No.: 1334208

I 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   
Deputy City Clerk

Approved: 9/21/16  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000009203  
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: \_\_\_\_\_ Fund: \_\_\_\_\_

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

**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: \_\_\_\_\_ \$180,000.00

Vendor: Castillo Harper APC Client Trust Account

Purpose: Settlement of claim alleging violations of the Peace Officer Bill of Rights Act by Kevin Hychko, Risk Management File No. 12056.

Date: August 18, 2016 By: Lina Chlm  
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
01	720045			OTHR-00000000-GG	512007	1515	1515000011		\$180,000.00
TOTAL AMOUNT									\$180,000.00

FUND OVERRIDE

SEP 13 2016

Passed by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SEP 26 2016

Date of final passage \_\_\_\_\_.

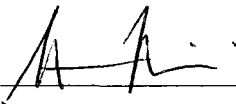
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>310682</p> <p>Resolution Number R-_____</p>
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