RESOLUTION NUMBER R- 310872

DATE OF FINAL PASSAGE DEC 22/2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT BETWEEN CATHLEEN SUMMERFORD AND THE CITY OF SAN DIEGO.

WHEREAS, on October 18, 2015, CATHLEEN SUMMERFORD filed suit against the City of San Diego [City] alleging personal injuries arising from a bicycle accident in the designated bike lane on July 19, 2014. Plaintiff brought suit in the San Diego Superior Court. The suit is entitled *Summerford, Cathleen v. City of San Diego*, Case Number 37-2015-00034128-CU-PO-CTL; and

WHEREAS, in Closed Session on November 15, 2016, the City Council, by the following votes: Yeas, Districts 1, 2, 4, 5, 6, 8 and 9; and Nays, None and Districts 3 and 7 absent, approved the Settlement; and

WHEREAS, the City Council in closed session on November 15, 2016 authorized settlement of the Litigation 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 is:

1. Authorizing the Mayor or his designee to pay the sum of \$235,000 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 personal injury claim of Cathleen Summerford, San Diego Superior Court Case No. 37-2015-00034128-CU-PO-CTL.

- 2. Authorizing the Chief Financial Officer to appropriate and expend \$235,000 from the Public Liability Fund, Fund 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. Authorizing the Comptroller to issue a check in the amount of \$235,000, made payable to Bryan E. Mortlock, Attorney at Law and Cathleen Summerford.

payable to Bryan E. Mortlock, Attorney at Law and Cathleen Summerford.

APPROVED: JAN I. GOLDSMITH, City Attorney

Catherine Turner
Deputy City Attorney

CLBT:nmm November 18, 2016 Or.Dept: City Attorney CC No. C3000009485 Doc. No.: 1395182

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

ELIZABETH S. MALAND City Clerk

Approved: (date) KEVIN L. FAULCONER, Mayor

Vetoed:

(date) KEVIN L. FAULCONER, Mayor

The City of San Diego COMPTROLLER'S CERTIFICATE

| | | | | CERTIFICATE | O) O)(I/\mmo\ | | | ORIGINATING | NO.: | 1211 | | |
|--|---|---|--|---|--|--|---|---|---|--|--|--|
| l I ne Tre Amoun | asury, o | CERTIFY that r is anticipated to | the money re o come into th | quired for the allotmee Treasury, and is c | ent of funds otherwise una | for the pallotted. | | | | | | |
| urpos | e: | Fund: | | | | | | | | | | |
| u, p 00 | • | | | | | | | | | | | |
| | | | | | | | | | | | | |
| a te : | | | | | | | Ву: | COMPTROLLE | R'S DEPARTME | NT | | |
| Doc. | | 1 | | , | ACCOUNTING DATA | Business | * | 7 | | | | |
| tem | Fund | Funded Program | Internal Order | Functional Area | G/L Account | Area | Cost Center | WBS | Ori | ginal Amoun | | |
| | · · · · · · · · · · · · · · · · · · · | | | | | | | | | | | |
| | | | | | | | | | | | | |
| \dashv | | | | | | | | <u> </u> | | | | |
| | | | | | | | | TOTAL AMO | UNT | | | |
| soluti confe | on, can l ormity wi | be incurred with th the requireme | out the violation of the Charles | ess and obligation to on of any of the provarter of the City of S | o be incurred visions of the an Diego, the | d by the co Charter of at sufficie | ontract or agreeme of the City of San D int moneys have be | lego; and I do en appropriate | hereby fured for the r | ther certify ourpose of | | |
| soluti confo id co easu th the | on, can lormity win tract, thry, to the | be incurred with th the requirement nat sufficient mon credit of the ap | out the violation of the Change to meet to propriet or the proprietion from the contraction f | ess and obligation to on of any of the prov arter of the City of S the obligations of sa om which the same a Treasury, to the cre | o be incurred visions of the an Diego, the id contract al are to be draw | d by the control to t | ontract or agreeme of the City of San D nt moneys have be y in the Treasury, o hat the said money | lego; and I do en appropriate r are anticipate now actually in | hereby fured for the period to come | ther certify ourpose of into the | | |
| soluti confo id co easu th the | on, can lormity wintract, the ry, to the moneys exceed: | be incurred with th the requirement nat sufficient more credit of the ap s anticipated to c | out the violatic ents of the Chaneys to meet to propriation fro come into the | ess and obligation to on of any of the prov arter of the City of S the obligations of sa om which the same a Treasury, to the cre | o be incurred visions of the an Diego, the id contract a are to be draw dit of said ap 235,000.00 | d by the control to t | ontract or agreeme of the City of San D nt moneys have be y in the Treasury, o hat the said money | lego; and I do en appropriate r are anticipate now actually in | hereby fured for the period to come | ther certify ourpose of into the | | |
| soluticonfoid co easuath the | on, can lormity wintract, the ry, to the moneys exceed: | be incurred with th the requirement at sufficient more credit of the ap anticipated to constitute the Bryan E. Mortico | out the violatic ents of the Chaneys to meet to propriation fro come into the | ess and obligation to on of any of the provarter of the City of Sthe obligations of sam which the same a Treasury, to the cre | o be incurred visions of the an Diego, the id contract a are to be draw dit of said ap 235,000.00 | d by the control of t | ontract or agreeme of the City of San D int moneys have be y in the Treasury, o hat the said money on, are otherwise ur | lego; and I do en appropriate r are anticipate now actually in | hereby fured for the period to come | ther certify ourpose of into the | | |
| soluticonfoid co easuath the | on, can lormity wintract, the ry, to the moneys exceed: | be incurred with th the requirement at sufficient more credit of the ap anticipated to constitute the Bryan E. Mortico | out the violatic ents of the Chaneys to meet to propriation fro come into the | ess and obligation to on of any of the provarter of the City of Sthe obligations of sam which the same at Treasury, to the cre | o be incurred visions of the an Diego, the id contract a are to be draw dit of said ap 235,000.00 | d by the control of t | ontract or agreeme of the City of San D int moneys have be y in the Treasury, o hat the said money on, are otherwise ur | lego; and I do en appropriate r are anticipate now actually in | hereby fured for the period to come | ther certify ourpose of into the | | |
| soluti confo id co easu th the t to E | on, can lormity wintract, the ry, to the moneys exceed: | be incurred with th the requirement at sufficient more credit of the ap anticipated to constitute the Bryan E. Mortico | out the violatic ents of the Chaneys to meet to propriation fro come into the | ess and obligation to on of any of the provarter of the City of Sthe obligations of sam which the same at Treasury, to the cre | o be incurred visions of the an Diego, the id contract a are to be draw dit of said ap 235,000.00 | d by the control of t | ontract or agreeme of the City of San D int moneys have be y in the Treasury, o hat the said money on, are otherwise ur | lego; and I do en appropriate r are anticipate now actually in nencumbered. | hereby fur ed for the p ed to come n the Treas | ther certify ourpose of into the | | |
| soluti confo id co easu th the tt to E ndor: rpose | on, can lormity wintract, the ry, to the moneys exceed: | be incurred with th the requirement at sufficient more credit of the ap anticipated to constitute the Bryan E. Mortico | out the violatic ents of the Chaneys to meet to propriation fro come into the k, Attorney at L | ess and obligation to on of any of the provacter of the City of Sthe obligations of same which the same at Treasury, to the cress and Cathleen Suralm of Cathleen Summer of Cathleen Summer Summer 28, 2016 | o be incurred visions of the an Diego, the id contract al are to be draw dit of said ap 235,000.00 nmerford | d by the concentration of the | ontract or agreeme of the City of San D int moneys have be y in the Treasury, o hat the said money on, are otherwise ur | lego; and I do en appropriate r are anticipate now actually in nencumbered. | hereby fur ed for the p ed to come n the Trea: | ther certify purpose of e into the sury, toget | | |
| solution conformation in the conformation in t | on, can lormity wintract, the ry, to the moneys exceed: | be incurred with th the requirement at sufficient more credit of the ap anticipated to constitute the Bryan E. Mortico | out the violatic ents of the Chaneys to meet to propriation fro come into the k, Attorney at L | ess and obligation to on of any of the provacter of the City of Sthe obligations of same which the same at Treasury, to the cress and Cathleen Suralm of Cathleen Summer of Cathleen Summer Summer 28, 2016 | o be incurred visions of the an Diego, the id contract a are to be draw dit of said ap 235,000.00 | d by the concentration of the | ontract or agreeme of the City of San D int moneys have be y in the Treasury, o hat the said money on, are otherwise ur ent File No. 10612. | lego; and I do en appropriate r are anticipate now actually in nencumbered. | hereby fur ed for the p ed to come n the Trea: | ther certify purpose of e into the sury, toget | | |
| solution for confidence of the | on, can lormity with the contract, the contract, the contract of the contract | be incurred with th the requirement at sufficient more credit of the ap anticipated to constitute the Bryan E. Mortico | out the violatic ents of the Chaneys to meet to propriation fro come into the k, Attorney at L | ess and obligation to on of any of the provacter of the City of Sthe obligations of same which the same at Treasury, to the cress and Cathleen Suralm of Cathleen Summer of Cathleen Summer Summer 28, 2016 | o be incurred visions of the an Diego, the id contract al are to be draw dit of said ap 235,000.00 nmerford | d by the concentration of the | ontract or agreeme of the City of San D int moneys have be y in the Treasury, o hat the said money on, are otherwise ur ent File No. 10612. | lego; and I do en appropriate r are anticipate now actually in nencumbered. | hereby fur ed for the ped to come the Treas | ther certify purpose of e into the sury, toget | | |
| solution conformation in conformation in the second conformation in the sec | on, can printy wintract, the ry, to the money. exceed: | be incurred with th the requirement ext sufficient more credit of the ap s anticipated to comment Bryan E. Mortice Settlement of per | out the violatic ents of the Chaneys to meet to propriation fro come into the k, Attorney at L rsonal injury cla | ess and obligation to on of any of the proventer of the City of Sthe obligations of same which the same at Treasury, to the cressury, to the cressury and Cathleen Surraim of Cathleen Summer 28, 2016 | o be incurred visions of the an Diego, the id contract at are to be drawdit of said ap 235,000.00 https://example.com/lines/ford, Risk for the idea of | d by the concentration of the content of the conten | ontract or agreeme of the City of San D int moneys have be y in the Treasury, o hat the said money on, are otherwise ur ent File No. 10612. By: Lina Chi | lego; and I do en appropriate r are anticipate now actually in hencumbered. | hereby fur ed for the ped to come the Treas | ther certify purpose of e into the sury, toget | | |
| solution conformation in the conformation in t | on, can printy wintract, the ry, to the money. exceed: | be incurred with th the requirement ext sufficient more credit of the ap s anticipated to comment Bryan E. Mortice Settlement of per | out the violatic ents of the Chaneys to meet to propriation fro come into the k, Attorney at L rsonal injury cla | ess and obligation to on of any of the proventer of the City of Sthe obligations of same which the same at Treasury, to the cressury, to the cressury and Cathleen Surraim of Cathleen Summer 28, 2016 | o be incurred visions of the an Diego, the id contract at are to be drawdit of said ap 235,000.00 https://example.com/lines/ford, Risk for the idea of | d by the concentration of the content of the conten | ontract or agreeme of the City of San D int moneys have be y in the Treasury, o hat the said money on, are otherwise ur ent File No. 10612. By: Lina Chi | lego; and I do en appropriate r are anticipate now actually in hencumbered. | hereby fur ed for the ped to come the Treas | ther certification of the compose of | | |
| soluti confo id co easu th the | on, can printy wintract, the ry, to the money. exceed: | be incurred with th the requirement ext sufficient more credit of the ap s anticipated to comment Bryan E. Mortice Settlement of per | out the violatic ents of the Chaneys to meet to propriation fro come into the k, Attorney at L rsonal injury cla | ess and obligation to on of any of the proventer of the City of Sthe obligations of same which the same at Treasury, to the cressury, to the cressury and Cathleen Surraim of Cathleen Summer 28, 2016 | o be incurred visions of the an Diego, the id contract at are to be drawdit of said ap 235,000.00 https://example.com/lines/ford, Risk for the idea of | d by the concentration of the content of the conten | ontract or agreeme of the City of San D int moneys have be y in the Treasury, o hat the said money on, are otherwise ur ent File No. 10612. By: Lina Chi | lego; and I do en appropriate r are anticipate now actually in hencumbered. | hereby fur ed for the ped to come the Treas | ther certification of the compose of | | |

| Passed by the Council of The Ci | the Council of The City of San Diego on _ | | C 1 3 2016 | , by the following vote | |
|---|---|--------------|---|-------------------------------------|--|
| Councilmembers | Yeas | Nays | Not Present | Recused | |
| Barbara Bry | ot Z | | | | |
| Lorie Zapf | | | | | |
| Chris Ward | $ ot\!$ | | | | |
| Myrtle Cole | | | | | |
| Mark Kersey | | | | | |
| Chris Cate | | | | | |
| Scott Sherman | D | | | | |
| David Alvarez | Z | | | | |
| Georgette Gomez | Z | | | | |
| (Please note: When a resolutio approved resolution was retur | on is approved by the rned to the Office of t | Mayor, the | date of final passa k.) KEVIN L. FA | | |
| AUTHENTICATED BY: | | М | | San Diego, California. | |
| (Seal) | | City | ELIZABETH Clerk of The City of | S. MALAND of San Diego, California. | |
| | | Ву | indart | Deputy, Deputy | |
| | | | | | |
| | | | | | |
| | | Office of th | e City Clerk, San | Diego, California | |

Resolution Number R-310872