

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,

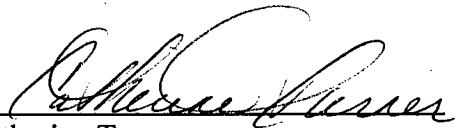
BE IT RESOLVED, by the City Council of the City of San Diego that the Council is:

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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
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 DEC 13 2016.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 12/21/16
(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 3000009485
 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: \$235,000.00

Vendor: Bryan E. Mortlock, Attorney at Law and Cathleen Summerford

Purpose: Settlement of personal injury claim of Cathleen Summerford, Risk Management File No. 10612.

Date: November 28, 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	512006	1515	1515000011		\$235,000.00
TOTAL AMOUNT									\$235,000.00

FUND OVERRIDE

CC 3000009485

Passed by the Council of The City of San Diego on DEC 13 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 22 2016.

(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.

(Seal)

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

By Linda Brown, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 310872