

RESOLUTION NUMBER R- 310915

DATE OF FINAL PASSAGE JAN 18 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN SUSAN MILLER AND THE CITY OF SAN DIEGO.

WHEREAS, Susan Miller filed a case on or about November 5, 2015 in the San Diego Superior Court, Central Division Case No. Case No. 37-2015-00037336-CU-PO-CTL against the City of San Diego ["City"] alleging she sustained an injury on May 15, 2015 while walking on a sidewalk located at 3003 4th Street.

WHEREAS, in Closed Session on November 15, 2016, the City Council, by the following votes: Yeas: 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 full and final settlement of San Diego Superior Court, Central Division Case No. Case No. 37-2015-00037336-CU-PO-CTL against the City of 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 \$98,000.00 from the Public Liability Fund 720045 in settlement of each and every claim for damages, interest, costs, and fees of any type, against City of San Diego, its agents and employees, arising from a personal injury action in order to avoid litigation, increased litigation costs, increased settlement costs, and interest.

2. Authorizing the Chief Financial Officer to appropriate and expend \$98,000.00 from the Public Liability 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 \$98,000.00 made payable to Parisima Roshanzamir, Esq., to be disbursed to Susan Miller from her assigned Client Trust Account.

APPROVED: MARA W. ELLIOT, City Attorney

By BDL
Brian D. Murphy, Deputy City Attorney

BM:mc
December 23, 2016
January 6, 2017 Corr. Copy
Or. Dept: 1400
CC No. CC 3000009553
Doc. No.: 1419355

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JAN 10 2017.

ELIZABETH MALAND
City Clerk

By Linda Bruen
Deputy City Clerk

Kevin Faulconer
KEVIN FAULCONER, Mayor

Approved: 1/17/17
(date)

Vetoed: _____
(date)

KEVIN FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 300009553
 DEPT. 1211
 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: \$98,000.00

Vendor: Partsimā Roshanzamir, Esq.

Purpose: Settlement of personal injury claim of Susan Miller, Risk Management file No. 11575.

Date: December 15, 2016

By: Lina Chim 
 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		\$98,000.00
TOTAL AMOUNT									\$98,000.00

FUND OVERRIDE

CC 300009553

Passed by the Council of The City of San Diego on JAN 10 2017, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 JAN 18 2017.

(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 Truen*, Deputy

Office of the City Clerk, San Diego, California

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