

RESOLUTION NUMBER R- 311968

DATE OF FINAL PASSAGE SEP 18 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT AGREEMENT
BETWEEN HAO ZHENG AND THE CITY OF SAN DIEGO.

WHEREAS, on February 21, 2017, HAO ZHENG filed suit against the City of San Diego [City] alleging personal injuries arising from an incident that occurred on September 7, 2006, at 5812 Montezuma Road, San Diego, California. Plaintiff brought suit in the Superior Court for the County of San Diego. The suit is entitled *Hao Zheng v. City of San Diego, et al.*, Superior Court Case No. 37-2017-00006259-CU-PA-CTL [Litigation]; and

WHEREAS, in Closed Session on June 19, 2018, the City Council, by the following votes: Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, and 9; Nays, None and absent, 8, approved the settlement; and

WHEREAS, the City Council in closed session on June 19, 2018, authorized settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,
NOW, THEREFORE,

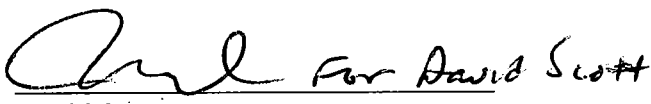
BE IT RESOLVED, by the Council of the City of San Diego that the Council:

1. Authorizes the Mayor or his designee to pay \$27,500.00 from Public Liability Fund No. 720045, in settlement of Plaintiff's bodily injury claim against City of San Diego, its agents and employees, allegedly caused by a collision between a San Diego Police vehicle and Plaintiff's vehicle. The City previously settled the property damage claim in the sum of \$25,000.00.

2. Authorizes the Chief Financial Officer to expend \$27,500.00 from the Public Liability 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. Authorizes the Comptroller to issue a check for the outstanding balance of \$27,500.00, made payable to Plaintiff's counsel, "Christopher A. Villasenor, Attorney at Law, IOLTA."

APPROVED: MARA W. ELLIOTT, City Attorney

By 
David Scott
Deputy City Attorney


DS:slc
7/24/2018
Or.Dept: City Attorney
CC No. 3000011306
Doc. No.: 1741465

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 11 2018

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9/11/18
(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 3000011306
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: _____ \$27,500.00

Vendor: Christopher A. Villasenor, Attorney at Law, IOLTA

Purpose: Authorizing the expenditure of funds for the settlement of a complaint filed by Hao Zheng, Risk Management File No. 13900. The settlement total is \$52,500.00, of which, \$25,000.00 was previously advanced.

Date: July 27, 2018 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 | 512004 | 1515 | 1515000011 | | \$27,500.00 |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| TOTAL AMOUNT | | | | | | | | | \$27,500.00 |

FUND OVERRIDE

CC 3000011306

Passed by the Council of The City of San Diego on SEP 11 2018, 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 SEP 18 2018

(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 *Hinda Krwin*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 311968