

RESOLUTION NUMBER R- 312312

DATE OF FINAL PASSAGE APR 11 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO APPROVING THE SETTLEMENT BETWEEN  
SHENG DU AND YUN-HUA CHIANG AND THE CITY OF  
SAN DIEGO

WHEREAS, on March 6, 2018, Sheng Du and Yun-Hua Chiang [Plaintiffs] filed suit against the City of San Diego [City] alleging damages arising from a bicycle accident on December 8, 2017 on Sorrento Valley Road, San Diego, in a construction zone. Plaintiffs brought suit in the Superior Court of the County of San Diego. The suit is entitled *Sheng Du and Yun-Hua Chiang v. City of San Diego, KTA Construction, Inc. and Harris & Associates, Inc.*, San Diego Superior Court Case No. 37-2018-00010639-CU-PO-CTL [Litigation]; and

WHEREAS, in Closed Session on March 12, 2019, the City Council approved the settlement with the following votes: Yeas: Districts 1, 2, 3, 4, 5, 6, 7, 8 and 9; Nays: None; and Absent: None;

WHEREAS, the City Council in Closed Session on March 12, 2019, authorized settlement of the Litigation against the City 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:

1. Authorizes the Mayor or his designee to pay the sum of \$1,500,000.00 from Public Liability Fund No. 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 the complaint filed by Sheng Du and Yun-Hua Chiang; and

2. Authorizes the Chief Financial Officer to appropriate and expend \$1,500,000.00 from 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; and

3. Authorizes the Comptroller to issue a check in the amount of \$1,500,000.00, made payable to Panish Shea & Boyle LLP Client Trust Account.

APPROVED: MARA W. ELLIOTT, City Attorney

By Rayna A. Stephan  
Rayna A. Stephan  
Chief Deputy City Attorney

RAS:lla  
March 21, 2019  
Or.Dept:[Dept]  
CC No. 300012049  
Doc. No.: 1963025

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 09 2019.

ELIZABETH S. MALAND  
City Clerk

By [Signature]  
Deputy City Clerk

Approved: 4/11/19  
(date)

[Signature]  
KEVIN L. FAULCONER, Mayor

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

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

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000012049  
 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
<b>TOTAL AMOUNT</b>									

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: \$1,500,000.00

Vendor: Panish Shea and Boyle LLP Client Trust Account

Purpose: Authorizing the expenditure of funds for the settlement of a complaint filed by Sheng Du and Yun-Hua. Risk Management Claim No. 18473.

Date: March 18, 2019 By: Sonny Bautista  
 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		\$1,500,000.00
<b>TOTAL AMOUNT</b>									<b>\$1,500,000.00</b>

Passed by the Council of The City of San Diego on APR 09 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 11 2019.

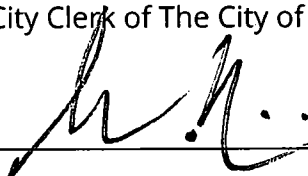
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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 , Deputy

Office of the City Clerk, San Diego, California

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