

#102
10/15/19

(R-2020-80)

RESOLUTION NUMBER R- 312704

DATE OF FINAL PASSAGE OCT 28 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING SETTLEMENT OF VAN NGUYEN

WHEREAS, on May 4, 2017, Plaintiff Van Nguyen filed suit against the City of San Diego alleging personal injuries arising from a claim of dangerous condition of public property that occurred on November 7, 2016. The suit is entitled *Van Nguyen v. City of San Diego, et al.*, Case No. 37-2017-00016141-CU-PO-CTL; and

WHEREAS, in closed session on July 9, 2019, the City Council, by the following votes: Yeas, Districts 1, 2, 4, 5, 6, 7, 8, 9; Nays, 3; approved the City's settlement of Van Nguyen's claim for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in a settlement release; NOW, THEREFORE; and

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

1. The sum of \$1,250,000.00 to be paid 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 Van Nguyen, San Diego Superior Court Case No. 37-2017-00016141-CU-PO-CTL

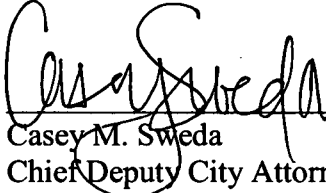
2. The Chief Financial Officer to appropriate and expend \$1,250,000.00 from the Public Liability Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. The Comptroller to issue a check in the amount of \$330,000.00 made payable to Prudential Assigned Settlement Services, Inc.

4. The Comptroller to issue a check in the amount of \$180,377.05 made payable to Phillips and Pelly FBO Van Nguyen.

5. The Comptroller to issue a check in the amount of \$739,622.95 made payable to Phillips and Pelly FBO Van Nguyen.

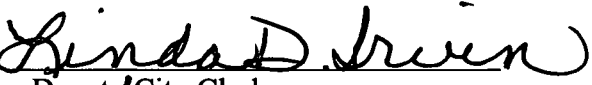
APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Casey M. Sweda
Chief Deputy City Attorney

CMS:mky
July 30, 2019
Or.Dept:1400
CC No. 3000012592
Doc. No.: 2069179

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 15 2019

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 10/21/19

(date)

 _____
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 3000012592
1515

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: \$1,250,000.00

Vendor: Prudential Assigned Settlement Services, Inc.; Phillips and Pelly FBO Van Nguyen

Purpose: Settlement of Van Nguyen v. City of San Diego, et al., Risk Mgmt Claim No. 14320.

Date: September 25, 2019 By: Justin Byko

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
1	720045			OTHR-00000000-GG	512006	1515	1515000011		\$330,000.00
2	720045			OTHR-00000000-GG	512006	1515	1515000011		\$180,377.05
3	720045			OTHR-00000000-GG	512006	1515	1515000011		\$739,622.95
TOTAL AMOUNT									\$1,250,000.00

FUND OVERRIDE

Passed by the Council of The City of San Diego on OCT 15 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 23 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:

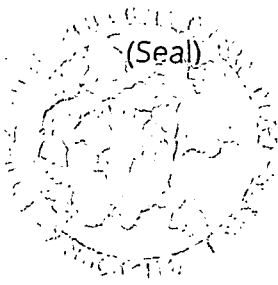
KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By: Ginda Bruin, Deputy



Office of the City Clerk, San Diego, California

312704

Resolution Number R-