(R-2023-356)

RESOLUTION NUMBER R- 314622

DATE OF FINAL PASSAGE MAR 1 0 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FINAL SETTLEMENT BETWEEN DENISE CAZARES, THE ESTATE OF JESUS CAZARES, JAVIER MORALES, AND THE CITY OF SAN DIEGO.

WHEREAS, On June 6, 2019, Plaintiffs Maria Cazares, Denise Cazares and the Estate of Jesus Cazares filed suit against the City of San Diego, et al. alleging wrongful death arising from a vehicle collision that occurred on September 3, 2018 when a police car collided with Jesus Cazares. The suit is entitled *Maria Cazares*, et al. v. City of San Diego, et al., San Diego Superior Court Case No. 37-2019-00028771-CU-PO-CTL ("the Litigation"); and

WHEREAS, in closed session on January 9, 2023, the San Diego City Council, by the following votes: Yeas, Districts 1, 3, 4, 5, 6, 7, 8, and 9; Nays, none; Absent, District 2, approved the 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; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; 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 \$350,000 from 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 complaint filed by Plaintiffs Denise Cazares and the Estate of Jesus Cazares; and

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$350,000 from Public Liability Fund No. 720045, for the purpose of settling this claim.

APPROVED: MAKA W. ELLIOTT, City Attome	y
By Stacy J. Plotkin-Wolff Senior Chief Deputy City Attorney	
SJP:mgm January 9, 2023 Or.Dept: City Attorney CC No. "INSERT Comptroller's Certificate #" Doc. No. 3186322	
I certify that the foregoing Resolution was passed meeting ofFEB 2 8 2023	by the Council of the City of San Diego, at this
	DIANA J. S. FUENTES City Clerk  By Deputy City Clerk
Approved: 3   9   23 (date)	TODD GLOBIA, Mayor
Vetoed:(date)	TODD GLORIA, Mayor

## The City of San Diego COMPTROLLER'S CERTIFICATE

## CERTIFICATE OF UNALLOTTED BALANCE 3000015506 ORIGINATING 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: \$350,000,00 Settlement of Maria Cazares v. City of San Diego, et al., San Diego Superior Court Case No. 37-2019-00028771-CU-PO-CTL Purpose: Claim No. 20321 By: Christopher Purcell Christopher Purcell COMPTROLLER'S DEPARTMENT February 3, 2023 Date: ACCOUNTING DATA Business G/L Doc. Functional Area Area Cost Center **WBS** Original Amount Funded Program Internal Order Account Item Fund 720045 OTHR-00000000-GG 512004 1515 1515000011 \$350,000.00 1 TOTAL AMOUNT \$350,000.00 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: Vendor: Purpose: By: \_\_ Date:

ACCOUNTING DATA

CC-361 (REV 7-09)

	FOND OVERNIDE	ш
cc_	3000015506	

COMPTROLLER'S DEPARTMENT

Passed by the Council of The C	City of San Die	go on <b>FE</b> I	B 2 8 2023	_ by the follow	ing vote:		
Councilmembers	Yeas	Nays	Not Present	Recused			
Joe LaCava	Z						
Jennifer Campbell	Z						
Stephen Whitburn							
Monica Montgomery St	teppe 🗾						
Marni von Wilpert	$\mathbf{Z}$						
Kent Lee							
Raul A. Campillo							
Vivian Moreno							
Sean Elo-Rivera	Z						
(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.)  TODD GLORIA							
AUTHENTICATED BY:		Mayo	or of The City of S		rnia.		
			DIANA J.S. FU				
(Seal)		By	Clerk of The City o	_	Deputy		
		Office of the	City Clerk, San D	iego, California			
	Reso	olution Numbe	er R314	622			

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