

RESOLUTION NUMBER R- 315680

DATE OF FINAL PASSAGE JUL 22 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SETTLEMENT BETWEEN PLAINTIFFS MARIA PALAFOX, ET AL. AND CITY OF SAN DIEGO.

WHEREAS, on April 6, 2022, Plaintiffs Maria Palafox, Christopher Mamahua, Eli Mamahua, Francisco Mamahua, Noe Mamahua, Pascual Mamahua, and Sheila Romero filed suit against the City of San Diego, seeking wrongful death damages arising from a motor vehicle accident which occurred on October 15, 2021. The suit is entitled *Maria Palafox, et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2024-00018242-CU-PO-CTL (Litigation); and

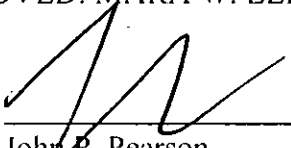
WHEREAS, in closed session on June 10, 2024, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, and 9; Nays, none; Absent, District 8, approved the settlement of the Litigation for an amount consistent with the amounts set forth below and under such other terms more fully set forth in the Settlement Agreement; and 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 the sum of \$250,000.00 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 the City of San Diego, its agents, employees, and contractors arising from the Litigation.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$250,000.00 from Public Liability Fund No. 720045, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
\_\_\_\_\_  
John P. Pearson  
Deputy City Attorney

JPP:jmh  
June 10, 2024  
Or. Dept: City Attorney  
CC No. 3000016864  
Doc. No. 3678068

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 16 2024.

DIANA J.S. FUENTES  
City Clerk

By   
\_\_\_\_\_  
Deputy City Clerk

Approved: 7/19/24  
\_\_\_\_\_  
(date)

  
\_\_\_\_\_  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINALING

CC 3000016864  
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: \$250,000.00

Purpose: Settlement of Maria Palafox et al. v. City of San Diego, San Diego Superior Court No. 37-2024-00018242-CU-PO-CTL, Risk No. 28581.  
Claim No. 21367

Date: June 18, 2024

Lauren Rehkopf *Lauren Rehkopf*

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

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: \_\_\_\_\_

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									

CC-361 (REV 7-09)

FUND OVERRIDE

CC 3000016864

Passed by the Council of The City of San Diego on JUL 16 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry Foster, III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 22 2024

**(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:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By *Connie Patterson* Deputy

Office of the City Clerk, San Diego, California

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