

RESOLUTION NUMBER R- 315797

DATE OF FINAL PASSAGE OCT 07 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO
APPROVING THE SETTLEMENT BETWEEN DENICE SIMMONS,
INDIVIDUALLY AND AS PERSONAL REPRESENTATIVE OF THE
ESTATE OF MARC WOOLF AND THE CITY OF SAN DIEGO

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. On May 4, 2022, Marc Woolf filed suit against the City of San Diego alleging personal injuries arising from a traffic collision on May 5, 2021, at or near the 2300 block of Congress Street in Old Town, San Diego. Following Marc Woolf's death, Marc Woolf's daughter, Denice Simmons, individually and as personal representative of the estate of Marc Woolf, amended the suit. The lawsuit is entitled *Denice Simmons, Individually and as Personal Representative of the Estate of Marc Woolf v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2022-00016872-CU-PO-CTL (Litigation).

B. In closed session on September 9, 2024, the City Council, by the following votes: Yeas, Districts 1, 3, 4, 5, 6, 7, 8, and 9; Nays, None; and Absent, District 2, approved the settlement of the Litigation for an amount consistent with the amounts set forth below.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. A resolution authorizing the Mayor or his designee to pay the sum of \$7,000,000.00 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, its agents, and employees, arising from the Litigation.

2. Authorizes the Chief Financial Officer to expend an amount not to exceed \$7,000,000.00 from Public Liability Fund No. 720045, for the purpose of settling this Litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

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

RAS:aml
September 9, 2024
Or.Dept: Transportation
CC No. 3000017096
Doc. No. 3787212

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on OCT 01 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 10/7/24
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000017096
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: \$7,000,000.00

Purpose: Settlement of Denice Simmons, Individually and as Personal Representative of the Estate of Marc Woolf v. City of San Diego, et al., San Diego Superior Court No. 37-2022-00016872-CU-PO-CTL, Claim No. 28331

Date: September 13, 2024

By: 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		\$7,000,000.00
TOTAL AMOUNT									\$7,000,000.00

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 3000017096

Passed by the Council of The City of San Diego on OCT 01 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 07 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.

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

(Seal)

By Linda Arwin, Deputy
For Connie Patterson

Office of the City Clerk, San Diego, California
Resolution Number R- <u>315797</u>