

RESOLUTION NUMBER R- 313677

DATE OF FINAL PASSAGE AUG 05 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE SETTLEMENT
AGREEMENT BETWEEN MICHAEL CIZAUSKAS AND THE
CITY OF SAN DIEGO

WHEREAS, on August 7, 2017, Michael Cizauskas filed suit against the City of San Diego alleging personal injuries arising from a bicycle accident that occurred on May 22, 2016, at the 12500 block of Carmel Canyon Road, in the City of San Diego. The suit is entitled *Michael Cizauskas v. City of San Diego, et al.*; San Diego Superior Court Case No. 37-2017-00029088-CU-MC-CTL [Litigation]; and

WHEREAS, in Closed Session on February 2, 2021, the City Council, by the following votes: Yeas, Districts 1, 2, 3, 4, 5, 7, 8, and 9; Nays, None; and Absent, District 6; approved the Settlement of the Litigation against the City of San Diego 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 \$1,750,000.00 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 City of San Diego, its agents and employees, arising from the Litigation.

2) Authorizes the Department of Finance to expend an amount not to exceed \$1,750,000.00 from Public Liability Fund No. 720045, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

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

RAS/aml
July 2, 2021
August 6, 2021 – COR. COPY
Or. Dept: City Attorney
CC No. 3000014176
Doc. No.: 2702972

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(NOTE: See memo and signature page.)

Office of
The City Attorney
City of San Diego

MEMORANDUM
MS 59

(619) 236-6220

DATE: August 5, 2021
TO: Connie Patterson, Legislative Recorder, City Clerk's Office
Gil Sanchez, Associate Management Analyst, City Clerk's Office
FROM: Rayna A. Stephan, Senior Chief Deputy City Attorney
SUBJECT: Corrected resolution for R-2022-4 (Item #104) on the City Council agenda of August 3, 2021

The comptroller's certificate number on the resolution regarding the settlement of *Michael Cizauskas v. City of San Diego, et al.*, SDSC 37-2017-00029088-CU-MC-CTL, Claim No. 13848 (R-2022-4) has been amended by deleting "3000014175" and replacing it with "3000014176." No other changes were made to the text of the resolution.

MARA W. ELLIOTT, CITY ATTORNEY

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

RAS:cm
Doc. No.: 2730185
Attachment: R-2022-4 COR. COPY

2) Authorizes the Department of Finance to expend an amount not to exceed \$1,750,000.00 from Public Liability Fund No. 720045, for the purpose of settling this claim.

APPROVED: MARA W. ELLIOTT, City Attorney

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

RAS/aml
July 2, 2021
Or. Dept: City Attorney
CC No. 3000014175
Doc. No.: 2702972

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 08/03/2021

ELIZABETH S. MALAND
City Clerk

By /s/ Matthew R. Hilario
Deputy City Clerk

Approved: 8/5/21
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 3000014176
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: \$1,750,000 Fund: 720045
Purpose: Settlement of Michael Cizauskas v. City of San Diego, et al. Risk Mgmt Claim No. 13848

Date: July 8, 2021 By: Nicholas O'Donnell *Nicholas O'Donnell*
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		\$1,750,000.00
TOTAL AMOUNT									\$1,750,000.00

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									

Passed by the Council of The City of San Diego on AUG 03 2021, 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"/>
Monica Montgomery Steppe	<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"/>
Chris Cate	<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 AUG 05 2021

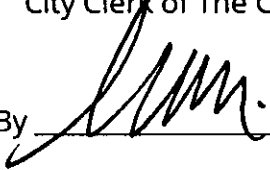
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 313677