

RESOLUTION NO. 2020-68

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE SETTLEMENT OF THE MATTER OF TREMAYNE NEZ V. CITY OF FLAGSTAFF, ET AL., CASE NO. CV08146, CURRENTLY PENDING IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

RECITALS:

WHEREAS, Tremayne and Marcella Nez filed a civil lawsuit against the City of Flagstaff and individually named police officers seeking to recover monetary damages resulting from a mistaken arrest of Mr. Nez on June 18, 2019; and

WHEREAS, the City has decided to resolve the disputed claims in the lawsuit by reaching a settlement with Mr. and Mrs. Nez; and

WHEREAS, it is in the best interest of the City to effectuate a settlement of the matter of *Tremayne and Marcella Nez v. City of Flagstaff, et al.*, United States District Court for the District of Arizona, Case No. CV08146.

ENACTMENTS:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That the City Council authorizes settlement of the matter of *Tremayne and Marcella Nez v. City of Flagstaff, et al.*, United States District Court for the District of Arizona, Case No. CV08146 pursuant to the following terms:

1. Payment in the amount of \$75,000.00;
2. The City will submit a request to the Coconino County Attorney's Office that the criminal charges against Mr. Nez, which were previously dismissed without prejudice, to be dismissed with prejudice;
3. The City will provide an affidavit to Mr. Nez in support of his petition to have his criminal history records cleared; and
4. The Police Chief will provide Mr. and Mrs. Nez a letter of apology.

SECTION 2. That the City Manager and City Attorney are authorized and directed to execute such documents and take such other actions as are necessary to carry out the purpose of this Resolution.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 8th day of December 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY