

R. 77-1934

RESOLUTION NO. 218161

APR 19 1977

WHEREAS, eight individuals filed an employment discrimination lawsuit in United States District Court entitled Mary L. Berry, et al. v. City of San Diego, et al., No. 76-150-E, alleging that they had been wrongfully terminated from the San Diego Police Department; and

WHEREAS, it was determined by the Council that said lawsuit be settled in part and that six of said individuals be offered reinstatement with back pay; and

WHEREAS, said offer was extended to the six individuals via federal court motion and said offer was accepted by way of settlement of litigation; and

WHEREAS, the federal district court, the Honorable William B. Enright, Judge Presiding, entered a dismissal order of said civil rights action as relates to those six named individuals; and

WHEREAS, the specific amount of back payment for each individual for the appropriate period of time has been determined; and

WHEREAS, it is now necessary to process said back payments pursuant to prior Council authorization and subsequent federal district court dismissal order; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

The Auditor and Comptroller be and he is hereby directed to issue warrants in the following amounts, less all appropriate deductions as required by federal and state law, to the following named individuals and Gerald P. Lopez, their attorney at law:

Shirley A. Black	\$15,641.85
Mary L. Berry	18,286.72
Lori-Anne P. Cash	19,008.88
Dennis G. Gonzales	9,148.81
Jesus R. Navarro	14,069.94
Donna L. Evans	18,428.58

BE IT FURTHER RESOLVED, that the City Attorney be and he is hereby instructed to prepare and cause to be executed by the above-named six individuals necessary and sufficient releases of any and all claims against The City of San Diego, and its agents, officers and employees.

APPROVED: JOHN W. WITT, City Attorney

By 

John W. Wood, Deputy

JWW:cj
4.18.77
Or. Dept:
Atty.
3985
Aud. Cert.
8499

218161

CITY of SAN DIEGO
MEMORANDUM

FILE NO.:

DATE : April 19, 1977

Telephone: 236-6220

TO : Edward Nielsen, City Clerk

FROM : City Attorney

SUBJECT: Settlement of Lawsuit Mary Berry v. City of San Diego, U.S.
District Court No. 76-150-E

Enclosed is the resolution authorizing payment of back wages in the above entitled case which was approved by the Council in executive session on April 19, 1977. The resolution was approved by a 7-0 vote, motion by Councilman Gade, second by Councilman Strobl. Mayor Wilson and Councilman Williams were absent.

After the resolution is numbered, please advise this office so that we may process the salary warrants as soon as possible.

JOHN W. WITT, City Attorney

By

Jack Katz

Jack Katz
Chief Deputy City Attorney

JK:k

Enc

1977 APR 21 AM 10:43
SAN DIEGO, CALIF.

RECEIVED
hw

218161

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE

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.

RECEIVED
1977 APR 18 4:25
S.M.H.

Amount \$ 94,584.78 Fund 100 General Fund (Police Dept)
Purpose Authorizing the expenditure in settlement of Federal Civil Rights action.

Date April 18, 19 77

W. B. Sage
Auditor and Comptroller of
The City of San Diego, Calif.
By *Matt Lepo*

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 moneys 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 \$ _____

Dated _____, 19 _____

Auditor and Comptroller of
The City of San Diego, Calif.

BY _____
Job Order _____
Resolution No. _____
Project No. _____

Fund _____ Prog./Elem. _____ Object _____

Purpose _____

Vendor _____

CERTIFICATE NO. 8499

in Executive Session

APR 19 1977

Passed and adopted by the Council of The City of San Diego/on
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

L. Hubbard Jr., Deputy Mayor

for PETE WILSON
Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

APR 19 1977
10:24

Office of the City Clerk, San Diego, California	
Resolution Number 218161	Adopted APR 19 1977