

ORIGINAL

RESOLUTION No. 223002 (R-79-1746)

Adopted on MAR 6 1979

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

That the City Manager be and he is hereby authorized and empowered to pay the sum of \$50,000 in settlement of James M. Graham v. City of San Diego, et al. (U. S. District Court Case No. 78-0699-T and Superior Court Case No. 422601), and each and every claim against The City of San Diego contained in said lawsuits, its agents and employees, resulting from the incident of April 6, 1978.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue a warrant/check in the sum of \$50,000 made payable to "James M. Graham and his attorney, John A. Crawford, Jr.," in full settlement of the lawsuits and claims above mentioned.

APPROVED: JOHN W. WITT, City Attorney

By



Ted Bronfield, Deputy

TB:cav
3/6/79
Aud.Cert. #79523
Or.Dept. Risk Mgmt

MICROFILMED

01411

CITY of SAN DIEGO
MEMORANDUM

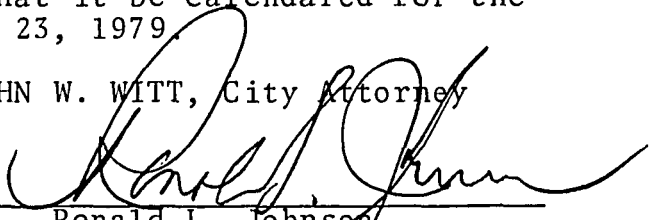
FILE NO. :
DATE : March 8, 1979
TO : City Clerk
FROM : City Attorney
SUBJECT : Resolution (R-79-1746) Adopted in Executive Session, March 6, 1979,
James M. Graham v. City of San Diego, et al.

Enclosed is the resolution authorizing settlement of the above-entitled lawsuit which was adopted by the City Council in Executive Session on March 6, 1979, with a 5-0 vote. The Auditor's Certificate (No. 79523) requesting the expenditure of \$60,000 was available to the Council in Executive Session. However, the Council approved settlement in the sum of \$50,000 as reflected in the resolution. Your office has assigned No. 223002 to the resolution.

Pursuant to the requirements, it will be necessary for this resolution to be placed on the Council docket under GENERAL NOTICE so that the official and public record will reflect the adoption of this resolution.

It is therefore requested that it be calendared for the docket of March 19 or March 23, 1979.

JOHN W. WITT, City Attorney

By 
Ronald L. Johnson
Chief Deputy City Attorney

cav
Encs

MICROFILMED

01412

HD 3-6-79
1135
Am

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.

Amount \$ _____ Fund _____

Purpose _____

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

Date _____, 19 _____

By _____

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 \$ 60,000.00

Dated March 6, 1979

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

BY Steve Fagan

Job Order
Resolution No.
Project No.

Fund 100 Prog./Elem. 4406 Object 3434

Purpose Settlement of Claim Graham vs Dity of San Diego and Lawrence Simmons

Vendor JAMES M. GRAHAM

MICROFILMED

CERTIFICATE NO. 79523

223002

MAR 6 1979

01413

in Executive Session

Passed and adopted by the Council of The City of San Diego on 3/6/79,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

Pete Wilson

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Barbara Berridge*, Deputy.

I HEREBY CERTIFY that the above and foregoing is a full, true and correct

223002

copy of RESOLUTION NO. _____ of The City of San Diego, California passed and adopted by the Council of

said City MAR 6 1979

CHARLES G. ABDELNOUR, City Clerk

By *Barbara Berridge*
Deputy

MICROFILMED

Office of the City Clerk, San Diego, California

Resolution Number **223002** Adopted MAR 6 1979