

(R-86-2076)

RESOLUTION NUMBER R- 265640

ADOPTED ON MAY 5 1986

WHEREAS, the City Council in Closed Session on Tuesday, January 28, 1986 approved a settlement with Steven G. Fremland, in the amount of \$40,000, by the following vote:

Wolfsheimer-yea; Cleator-yea; McColl-yea; Jones-not present; Struiksma-yea; Gotch-yea; McCarty-not present; Martinez-yea; Mayor-vacant; and

WHEREAS, since an Auditor's Certificate was not available prior to Closed Session, this action by Council is required; NOW THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized to pay the sum of \$40,000, as a good faith settlement pursuant to section 877.6 of the Code of Civil Procedure, for each and every claim against the City, its agents and employees, in the Superior Court Case No. 506565, entitled Fremland v. Heyer, et al.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller be and he is hereby authorized to issue a check in the amount of \$40,000, made payable to plaintiff, Steven G. Fremland and his attorney, James V. Parziale in full settlement of the lawsuit and all claims.

APPROVED: JOHN W. WITT, City Attorney

By Jack Katz  
Jack Katz, Chief Deputy

JK:smm  
4/29/86  
Or.Dept:Atty  
Aud.Cert: 86887  
R-86-2076

01392

**The City of San Diego**  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE AC 86887

ORIGINATING DEPT. NO.: 084

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 \_\_\_\_\_

Date \_\_\_\_\_, 19\_\_\_\_ By: \_\_\_\_\_  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

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 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 \$ 40,000.00

Vendor STEVEN G. FREMLAND AND HIS ATTORNEY, JAMES PARZIALE

Purpose Settlement of Personal Injury Claim of Steven G. Fremland.

Date April 29, 19 86 By:   
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
<u>1</u>			<u>601</u>	<u>106</u>	<u>4823</u>	<u>060106</u>				<u>\$40,000.00</u>
TOTAL AMOUNT										<u>\$40,000.00</u>

FUND OVERRIDE

MAY 5 1986

**R-265640**

AC 86887 **01393**

#5 4-8

MAY 5 1986

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

ED STRUIKSMA

Deputy Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-265640 Adopted MAY 5 1986

RECEIVED  
CITY CLERK'S OFFICE  
1986 APR 30 AM 3:45  
SAN DIEGO, CALIF.

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