(R-89-672)

## RESOLUTION NUMBER R-272017 ADOPTED ON SEP 27 1988

WHEREAS, in Closed Session on September 27, 1988, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 6, and 8, Nays, None, Not Present, Districts 4, 5, 7, and the Mayor, approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$181,805.00 in the settlement of each and every claim against The City of San Diego, its agents and employees, and the judgment in Superior Court Case No. 580673, Frederick Wallace v. City of San Diego, et al. including the compensatory damages and punitive damages awarded to plaintiff Frederick Wallace.

BE IT FURTHER RESOLVED, that the Council of The City of San Diego authorizes the payment of the total amount of punitive damages assessed against the individual police officers by said Judgment, the Council having found that the officers were acting within the scope of their employment, that the officers acted in good faith, without actual malice and in the apparent best interests of the City, and that such payment is in the best interests of the City of San Diego.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue two checks, one in the amount of \$110,000.00, made payable to Frederick Wallace and Thomas Adler, his attorney of record, and one in the amount of

\$71,805.00 made payable to Thomas Adler, in full settlement of the lawsuit and of all claims, costs and attorney's fees.

APPROVED: John W. Witt, City Attorney

James M. Chapin

Deputy City Attorney

JMC:vtc:Lit. 09/29/88

Aud.Cert:AC8900303 Or.Dept:Risk Mgmt

R-89-672

Form=r.claim

## The City of San Diego

## CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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Passed and adopted by the Council of The Cit	JUP 27 1988			
by the following vote in Closed Session				
Council Members  Abbe Wolfsheimer  Ron Roberts  Gloria McColl  H. Wes Pratt  Ed Struiksma  J. Bruce Henderson  Judy McCarty  Bob Filner  Mayor Maureen O'Connor	Yeas O D D D D D D	Nays	Not Present	Ineligible
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