

(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

By   
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**

CERTIFICATE OF UNALLOTTED BALANCE      AC 8900303

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 \$ 181,805.00

Vendor FREDERICK WALLACE & Thomas Adler, Attorney

Purpose Authorizing the expenditure of funds for settlement of Personal Injury Claim of Frederick Wallace, City File: LX87-0110-1948

Date September 28, 1988 By: \_\_\_\_\_

*Mary Schmunay*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			601	106	4823	60106				\$181,805.00
TOTAL AMOUNT										\$181,805.00

FUND OVERRIDE

2- 272017

151

SEP 27 1988

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote in Closed Session:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Jana M. Martin*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 272017 Adopted SEP 27 1988