

(R-90-397)

RESOLUTION NUMBER R- 274314

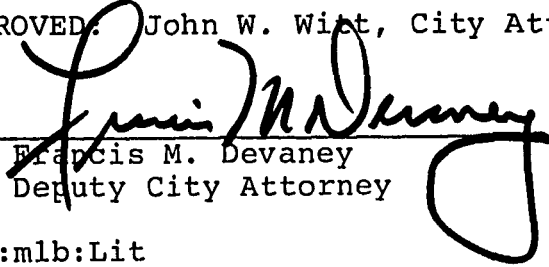
ADOPTED ON SEP 11 1989

WHEREAS, in Closed Session on October 25, 1988, the City Council, by the following vote: Yeas, Districts 1, 2, 4, 6 and 7, Not Present, Districts 3, 5, 8 and Mayor Maureen O'Connor, approved the following; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego that the City Manager be and hereby is authorized and empowered to pay the total sum of \$200,000.00 in the settlement of each and every personal injury claim brought against The City of San Diego, its agents and employees in Superior Court Case No. 543950, Carolyn Benson v. AVCO Community Developers, Inc., et al. This \$200,00.00 represents the City's insurance policy deductible amount; the total settlement by the City of San Diego is \$350,000.00, \$150,000.00 of which will be paid by CNA Insurance Company.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and hereby is authorized to issue one check in the amount of \$200,000.00, made payable to "Benes & Fiorello, A.P.C., trust account for Windsor S. Vick" in full settlement of the lawsuit and of all claims therein.

APPROVED: John W. Witt, City Attorney

By 
Francis M. Devaney
Deputy City Attorney

FMD:mlb:Lit
8/25/89
Aud.Cert:9000226
Or.Dept:Risk Mgmt.
R-90-397
Form=r.claim

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9000226

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 \$ 200,000.00

Vendor Windsor Vick, Guardian ad Litem of Carolyn Vick, and his attorney, Thomas Fiorello.

Purpose Authorizing the expenditure of funds in settlement of personal injury claim of

Carolyn Benson, City File LX85-5407-3487.

Date August 15, 19 89

By: *Kimberly Rice*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		100	601	106	4823	60106				\$ 200,000.00
TOTAL AMOUNT										\$ 200,000.00

FUND OVERRIDE

R- 274314

SEP 11 1989

AC 9000226

Passed and adopted by the Council of The City of San Diego on.....**SEP 11 1989**.....
by the following vote:

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

(Seal)

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

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number R-274314	Adopted SEP 11 1989

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SAN FRANCISCO

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