(R-90-1098)

RESOLUTION NUMBER R- 275028

ADOPTED ON JAN 2 2 1990

WHEREAS, in Closed Session on January 16, 1990, the City Council, by the following vote: Yeas, Districts 1, 2, 4, 5, 7, 8 and the Mayor, Nays, None; Not Present, Districts 3 and 6; 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 sum of \$180,000.00 in settlement of the case, <u>Johnston v.</u> City of San Diego, et al., Superior Court Case No. 597801;

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to expend the amount of: 1) \$30,000.00 payable to Aetna Casualty & Surety Company; and, 2) \$150,000.00 payable to Thomas Johnston and Richard de la Garza, his attorney of record, as the final payment towards full settlement of any and all claims under the lawsuit.

APPROVED: John W. Witt, City Attorney

Leslie J. Girard

Deputy Gity Attorney

LJG:vtc:Lit. 01/16/90

Or.Dept:Risk.Mgmt.

R-90-1098

Form=r.claim

The City of San Diego

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

Amo	ount	vise una \$				· · · · · · · · · · · · · · · · · · ·	Fund_		, , , , , , , , , , , , , , , , , , , 	
Pur	oose_									
Date			, 19			Ву:	AUDITOR AND COMPTROLLER'S DEPARTMENT			
					ACC	OUNTING	DATA			
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
	-									
			<u></u>	<u> </u>				TOTAL /	1401117	
············		 			TION OF			FUND OVERRIDE		
orovisio	ent au ons of	ithorize f the Ch	d by the arter of	hereto at the City	tached reso of San Dieg	lution, o 30; and I	can be inco do hereby	urred witho y further ce	out the vi rtify, in (olation of any of th conformity with th
provision requires purpose Treasure same ar anticipa Not to	ent au ons of ments e of sa ry, or e to b uted t Excee	thorize f the Ch s of the Ch id conti are anti oe drawn o come	d by the arter of (Charter of thater of thater of thated), and the ,000.00	hereto at the City of the Cit t sufficie to come nat the sa Treasur	tached reso of San Dieg y of San Die ent moneys into the Tr aid moneys y, to the cre	olution, ogo; and I go; and I go; and I to meet teasury, now ac edit of sa	can be incomed to hereby sufficient the obligation to the creatually in the did appropriate the appropriate the creatually in the creature that appropriate the creature that approp	urred withon I further ce I moneys ha I tions of sai I the ap The Treasur	out the vi rtify, in o ave been a d contrac propriac y, togeth	I by the contract of olation of any of the conformity with the appropriated for the ct are actually in the tion from which the money vise unencumbered
orovision requires ourposo Freasur same ar anticipa	ent au ons of ments e of sa ry, or e to b uted t Excee	thorize I the Ch I th	d by the arter of the charter of the charter of the cipated n, and the charter of	hereto at the City of the Cit t sufficiento come nat the sa Treasur	tached reso of San Dieg y of San Die ent moneys into the Tr aid moneys y, to the cre d Richard	olution, ogo; and I go; and I go; and I go; and I to meet teasury, now ac edit of sa Dela Ga	can be income do hereby sufficient the obligato the creatually in the did approprize	urred withor further ce moneys hations of sai lit of the ap he Treasur oriation, an	out the virtify, in one been and contract oppropriately, together otherwards	olation of any of the conformity with the conformity with the appropriated for the ct are actually in the tion from which the money wise unencumbered
provision requires purpose Treasure same ar anticipa Not to	ent au ons of ments e of sa ry, or e to b uted t	thorize I the Ch I th	d by the arter of the charter of the charter of the cipated n, and the charter of	hereto at the City of the Cit t sufficiento come nat the sa Treasur	tached reso of San Dieg y of San Die ent moneys into the Tr aid moneys y, to the cre d Richard	olution, ogo; and I go; and I go; and I go; and I to meet teasury, now ac edit of sa Dela Ga	can be income do hereby sufficient the obligato the creatually in the did approprize	urred withor further ce moneys hations of sai lit of the ap he Treasur oriation, an	out the virtify, in one been and contract oppropriately, together otherwards	olation of any of the conformity with the appropriated for the ctare actually in the tion from which the money
provision of the course of the	ent au ons of ments e of sa y, or e to b ated t Excee	thorize f the Ch s of the Ch aid conti are anti oe drawn o come ed \$180 Thom	d by the arter of Charter of Char	hereto at the City of the City of the Cit to come nat the sa Treasur	tached reso of San Dieg y of San Die ent moneys into the Tr aid moneys y, to the cre d Richard	olution, ogo; and I go; and I go; and I go; and I to meet teasury, now ac edit of sa Dela Ga	can be income do hereby sufficient the obligato the creatually in the did approprize	urred without further cest moneys had tions of saidit of the application, and essential essentia	out the virtify, in one been and contract oppropriately, together otherwards	olation of any of the conformity with the conformity with the appropriated for the ct are actually in the tion from which the money wise unencumbered
provision or provision of the control of the contro	ent au ons of ments e of sa y, or e to b ated t Excee	thorize the Ch s of the Ch are anti oe drawn o come ed \$180 Thom Auth	d by the arter of Charter of Char	hereto at the City of the City of the Cit to come nat the sa Treasur	tached reso of San Dieg y of San Dieg nt moneys into the Tr aid moneys y, to the cre d Richard penditure	of fund	can be income do hereby sufficient the obligato the creaturally in the did appropriate arza.	urred without further cest moneys had tions of saidit of the application, and essential essentia	out the virtify, in a cave been a contract opropriately, together otherward	olation of any of the conformity with the conformity with the appropriated for the ct are actually in the tion from which the money wise unencumbered
provision or provision of the control of the contro	ent au ons of ments e of sa y, or e to b ated t Excee	thorize the Ch s of the Ch are anti oe drawn o come ed \$180 Thom Auth	d by the arter of Charter of Char	hereto at the City of the City of the Cit to come nat the sa Treasur	tached reso of San Dieg y of San Dieg nt moneys into the Tr aid moneys y, to the cre d Richard penditure	of funce	can be income do hereby sufficient the obligato the creaturally in the did appropriate arza.	urred without further cest moneys had tions of saidit of the application, and essential essentia	out the virtify, in a cave been a contract opropriately, together otherward	olation of any of the conformity with the conformity with the appropriated for the ct are actually in the tion from which the money wise unencumbered
requirer courpose Freasure are are are are are are are are are a	ent au ons of ments e of sa y, or e to b ated t Excee numbe	thorize f the Ch s of the Ch are anti oe drawn o come ed \$180 Thom Auth er LX88 January	d by the arter of charter of charter of charter of cact, that cipated n, and thinto the .000.00 as John orizing -0445-0 18, i	hereto at the City of the City of the City of the Cit to come nat the sa Treasur ston and the expense of the e	tached reso of San Dieg y of San Dieg nt moneys into the Tr aid moneys y, to the cre d Richard penditure ACC	ego, and I ego, that to meet to meet to meet to meet to move accedit of sa of fund	can be income do hereby sufficient the obligato the crectually in the did appropriate area.	urred without further central moneys had tions of sailit of the application, and essential manager and the Treasurb oriation, and essettlem	out the virtify, in a ve been a d contract opropriately, together otherward of a contract of a contract of a contract of a complete otherward of a contract	olation of any of the conformity with the conformity with the appropriated for the ct are actually in the tion from which the money wise unencumbered a personal injury
requirer courpose Freasure are are are are are are are are are a	ent au ons of ments e of sa ry, or e to b ated t Excee numbe	thorize the Ch s of the Ch are anti oe drawn o come Muth Auth ET LX88 January	d by the arter of charter of charter of charter of cact, that cipated n, and the into the noon of the control of the control of the case o	hereto at the City of the City of the City of the Cit to sufficie to come nat the sa Treasur ston and the exposed of the expos	tached reso of San Dieg y of San Dieg y of San Dieg that moneys into the Tr aid moneys y, to the cre d Richard penditure ACC	By: By: GOUNTING	can be income do hereby sufficient the obligato the crectually in the did appropriate area.	urred without further central moneys had tions of sailit of the application, and essential manager and the Treasurb oriation, and essettlem	out the virtify, in a ve been a d contract opropriately, together otherward of a contract of a contract of a contract of a complete otherward of a contract	olation of any of the conformity with the conformity with the appropriated for the ct are actually in the tion from which the er with the money wise unencumbered a personal injury the conformity of the conformi
requirer courpose Freasure are are are are are are are are are a	ent au ons of ments e of sa ry, or e to b ated t Excee numbe	thorize the Ch s of the Ch are anti oe drawn o come Muth Auth ET LX88 January	d by the arter of charter of charter of charter of cact, that cipated n, and the into the noon of the control of the control of the case o	hereto at the City of the City of the City of the Cit to sufficie to come nat the sa Treasur ston and the exposed of the expos	tached reso of San Dieg y of San Dieg y of San Dieg that moneys into the Tr aid moneys y, to the cre d Richard penditure ACC	By: By: GOUNTING	can be income do hereby sufficient the obligato the crectually in the did appropriate area.	urred without further central moneys had tions of sailit of the application, and essential manager and the Treasurb oriation, and essettlem	out the virtify, in a ve been a d contract opropriately, together otherward of a contract of a contract of a contract of a complete otherward of a contract	olation of any of the conformity with the conformity with the appropriated for the ct are actually in the tion from which the er with the money wise unencumbered a personal injury the conformity of the conformi

Passed and adopted by the Council of The C by the following vote:	JAN 8 2 1990			
Council Members Abbe Wolfsheimer Ron Roberts John Hartley H. Wes Pratt Linda Bernhardt J. Bruce Henderson Judy McCarty Bob Filner Mayor Maureen O'Connor	Yeas Nays	Not Present	Ineligible	
AUTHENTICATED BY:	***************************************	IAUREEN O'C	4	
(Seal)	City Cle	ARLES G. AB	n Diego, California.	
		,		
	Office of the	City Clerk, San Die	go, California	
	Resolution - 2750		JAN 2 2 1990	