

(R-92-482)

RESOLUTION NUMBER R- **278770**

ADOPTED ON **OCT 07 1991**

WHEREAS, in Closed Session on September 10, 1991, the City Council, by the following vote: Yeas, Districts 1, 5, 6, 7, 8 and the Mayor; Nays, None; Not Present, Districts 2, 3, and 4, 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 \$84,857.65 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. 617180, Carroll Davis v. City of San Diego, et al, including the compensatory damages and punitive damages awarded to plaintiff Carroll Davis.

BE IT 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 officer by said Judgment, the Council having found that the officer was acting within the scope of his employment, that the officer 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 one check in the amount of \$84,857.65, made payable to Michael R. Marrison, in Trust for

Carroll A. Davis, in full settlement of the lawsuit and of all claims, costs and attorney's fees.

APPROVED: John W. Witt, City Attorney

By: Eugene P. Gordon
Eugene P. Gordon,
Chief Deputy City Attorney

MRM:cl:Lit.
08/27/91
Aud.Cert:
Or.Dept:Risk Mgmt
R-91-

R - 278770

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9200215

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 \$ 84,857.65

Vendor Carroll A, Davis

Purpose Authorizing the expenditure of funds for the settlement of a personal injury claim.

Date September 16, 19 91 By: *D. Sheela*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1	0	100	601	106	4823	60106				\$84,857.65
TOTAL AMOUNT										\$84,857.65

FUND OVERRIDE

R- 278770

OCT 07 1991

#5400

Passed and adopted by the Council of The City of San Diego on OCT 07 1991,
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"/>
John Hartley	<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"/>
Tom Behr	<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 Raydell G. Patterson, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-278770</u>	Adopted <u>OCT 07 1991</u>