RESOLUTION NUMBER R- 278770 ADOPTED ON OCT 071991

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. Marrinan, 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

Eugene P. Gordon, Chief Deputy City Attorney

MRM:cl:Lit. 08/27/91 Aud.Cert:

Or.Dept:Risk Mgmt

R-91-

The City of San Diego

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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OCT 07 1991

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Passed and adopted by the Council of The Cit by the following vote:	y of San Diego on	OCT 0'	OCT 07 1991		
Council Members Abbe Wolfsheimer Ron Roberts John Hartley H. Wes Pratt Tom Behr J. Bruce Henderson Judy McCarty Bob Filner Mayor Maureen O'Connor	Yeas Nays	Not Present	Ineligible		
AUTHENTICATED BY:	*****************	MAUREEN O' or of The City of San		,	
(Seal)	City C	HARLES G. A. lerk of The City of S	an Diego, California	, Deputy.	
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