

(R-95-640)

RESOLUTION NUMBER R- 284794

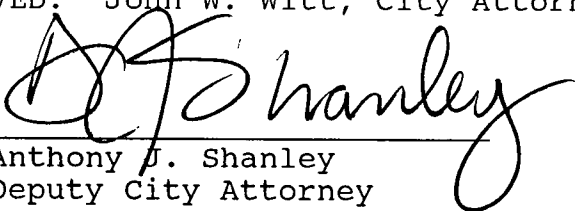
ADOPTED ON OCT 18 1994

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 \$35,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 656835, Billy James Tucker v. City of San Diego, et al., resulting from an incident in which a mentally disabled Vietnam veteran suffered a compound fracture of the leg caused by multiple blows from nunchakus during a struggle with two San Diego police officers. The suit also alleges film of the incident, taken by a bystander, was confiscated and destroyed by the police.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$35,000.00, made payable to John N. Learnard, in full settlement of all claims.

APPROVED: John W. Witt, City Attorney

By


Anthony J. Shanley
Deputy City Attorney

AJS:lja:Lit.

10/14/94

Aud.Cert:9500425

Or.Dept:Risk.Mgmt.

R-95-640

Form=r.claim2

**The City of San Diego
 CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE AC 9500425

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 _____ 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 money 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 \$ 35,000.00

Vendor Billie J. Tucker and his Attorney John N. Learnard

Purpose Authorizing the expenditure of funds in settlement of each and every claim against the City, its agents and employees, resulting from the personal injuries to Billie J. Tucker.

Date October 12, 1994 By: *E. J. A. Fisher*

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	81140	81140		4823	081141				\$35,000.00
TOTAL AMOUNT										\$35,000.00

FUND OVERRIDE

AC 9500425

R-284794

OCT 18 1994