

(R-97-314)

RESOLUTION NUMBER R-287888

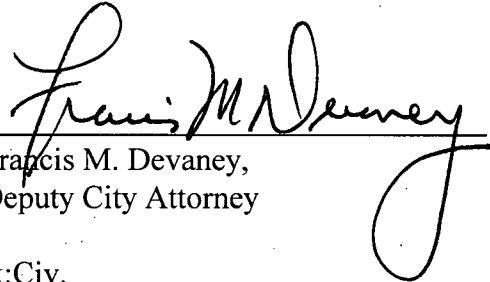
ADOPTED ON OCTOBER 1, 1996

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 resulting from injuries sustained by plaintiff John T. Burke during and subsequent to his arrest on August 31, 1995 in the 4900 block of Newport Avenue in the City of San Diego, as is more fully set forth and alleged in Burke v. City of San Diego, et al., United States District Court Case No. 95-3987B (BTM).

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 T. Burke and his attorney of record Michael R. Marrinan, in full settlement of the lawsuit and of all claims made therein.

APPROVED: JOHN W. WITT, City Attorney

By

  
Francis M. Devaney,  
Deputy City Attorney

FMD:kjk:Civ.  
October 1, 1996  
Aud.Cert:9700338  
Or.Dept:Risk Mgmt.  
R-97-314  
Form=r.claim2  
HARES0287888.BRK

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9700338  
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 JOHN BURKE AND HIS ATTORNEY OF RECORD, MICHAEL MARRINAN

Purpose AUTHORIZING EXPENDITURE OF FUNDS FOR SETTLEMENT OF PERSONAL INJURY

CLAIM. CITY FILE #LX96-0110-2638

Date SEPTEMBER 26, 1996 By: *Lillian Rose*

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0	81140	81140		4823	081141				\$35,000.00
TOTAL AMOUNT										\$35,000.00

FUND OVERRIDE