

RESOLUTION NUMBER R **288346**

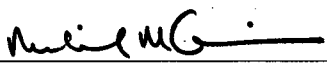
ADOPTED ON **FEB 18 1997**

WHEREAS, in Closed Session on January 28, 1997, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7 and 8, and the Mayor; Nays, None; approved the following; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego authorizes the payment of the compensatory and punitive damages assessed against defendants Sharren Carr, Donald Albright and Christopher Larson, by the judgment in United States District Court, Southern District of California, Civil Case Number 93 - 0100R, Poppell v. City of San Diego, et. al., the Council having found, after consideration of the facts in this specific case: (1) the judgment was based on alleged actions of these employees who were acting in the course and scope of their employment at the time of the incidents complained of, (2) that the employees acted in good faith, without actual malice, and in the apparent best interests of the City of San Diego; and (3) payment of the judgment would be in the best interests of the City of San Diego.

BE IT FURTHER RESOLVED, that the Council authorizes the Office of the City Attorney to obtain a supersedeas bond on behalf of The City of San Diego, Sharren Carr, Donald Albright and Christopher Larson, in the above described lawsuit, in the event the court fails to exercise its discretion in granting a waiver of the bond necessary to stay the execution of the judgment in this case pending the appeal.

APPROVED: Casey Gwinn, City Attorney

By: 
Michael R. McGuinness,
Deputy City Attorney

MRM:kat:Civ
February 5, 1997
Aud.Cert: 9700746
Or.Dept: 084
R-97-819
Form=claim1.res

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 9700746
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 55,000.00 Fund 81140

Purpose Authorizing payment of punitive damages judgement against City employees in Poppell v.

City of San Diego. City file #LX92-0110-5526

Date February 4, 1997

By: *Lilley Reese*
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				\$55,000.00
TOTAL AMOUNT										\$55,000.00

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 \$ _____

Vendor _____

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