

RESOLUTION NUMBER R- 288649

ADOPTED ON MAY 13 1997

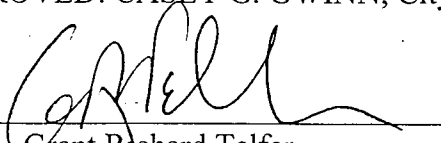
WHEREAS, in Closed Session on March 27, 1997, the City Council by the following vote: Yeas, Districts 1, 2, 3, 7, 8; Not Present, Districts 4, 5, 6, The Mayor, approved the following, NOW, THEREFORE,

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 \$52,000.00 in the settlement of each and every claim against the City of San Diego, its agents and employees, in Superior Court Case No. 697327, Carmen Smith, et al v. City of San Diego, et al. and Andrea Raine v. City of San Diego, et al (consolidated) resulting from an incident occurring on March 21, 1995.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue one check in the amount of \$14,000.00, made payable to Carmen Smith, and her attorney of record Lawrence Cruz; one check in the amount of \$30,000.00, made payable to Justin Smith by and through his Guardian ad Litem, Carmen Smith, and Lawrence Cruz; one check in the amount of \$4,000.00 made payable to Emma Smith by and through her Guardian ad Litem, Carmen Smith, and Lawrence Cruz; and one check made payable to Andrea Raine and her attorney of record Mark T. Brisebois in the amount of \$4,000.00, in full settlement of the lawsuit and of all claims against the City of San Diego.

APPROVED: CASEY G. GWINN, City Attorney

By


Grant Richard Telfer
Deputy City Attorney

GRT:CL:CIV

4/16/97

Aud.Cert:

Or.Dept:Risk Mgmt. 084

R-97-1018

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 9701056
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 \$ 52,000.00

Vendor Carmen Smith & her attorney of record Lawrence Cruz; Justin Smith by and through his Guardian ad Litem, Carmen Smith, & Lawrence Cruz; Emma Smith by & through her Guardian ad Litem, Carmen Smith, & Lawrence Cruz; Andrea Raine & her attorney of record Mark T. Briseboise.

Purpose Authorizing the expenditure of funds for the settlement of the Personal Injury Claim.

City File #: LX95-5407-6800.

Date April 23, 1997 By: Robecky Weber

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
01		81144	81144		4823	081144				\$14,000.00
02		81144	81144		4823	081144				30,000.00
03		81144	81144		4823	081144				4,000.00
04		81144	81144		4823	081144				4,000.00
TOTAL AMOUNT										\$52,000.00

FUND OVERRIDE

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