

RESOLUTION NUMBER R-289712

ADOPTED ON February 3, 1998

WHEREAS, in Closed Session on February 3, 1998, the City Council, by the following vote: Yeas, Districts NOS. 1, 2, 3, 4, 6, 7, and the Honorable Mayor; Nays, none; Not Present, Districts NOS. 5 and 8 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 \$40,000 (Forty thousand dollars) in the settlement of each and every claim against The City of San Diego, its agents and employees, in Federal Court Case No. 96-2186J, Frey, et al. v. City of San Diego, et al. resulting from the contact between members of the San Diego Police Department and the plaintiffs on December 27, 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 \$40,000 (Forty thousand dollars), made payable to Susan Marie Frey, Stephen Carlos Frey, and their attorney of record, Michael Marrinan, in full settlement of the lawsuit and of all claims.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 81140,

Public Liability Reserve Fund.

APPROVED: CASEY GWINN, City Attorney

By



PENNY L. CASTLEMAN
Deputy City Attorney

PLC

February 9, 1998

Aud.Cert:AC9800883

R-98-846

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 9800883
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 \$ 40,000.00

Vendor Susan Marie Frey, Stephen Carlos Frey and their attorney of record, Michael Marrinan and Mission Bay Memorial Hospital - *see item satisfied*

Purpose Authorizing expenditure of funds for settlement of personal injury claim.

City file# LX96-0110-4574 & LX96-0110-6417

Date January 29, 1998

By: *Lillian 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				\$40,000.00
TOTAL AMOUNT										\$40,000.00

FUND OVERRIDE

R-289712

FEB 03 1998

AC 9800883