

(R-98-906 COR.COPY)

RESOLUTION NUMBER R-289769

ADOPTED ON FEBRUARY 24, 1998

WHEREAS, in Closed Session on February 24, 1998, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 4, 5, 6, 7, 8, and the Mayor; Nays, none; Not Present, None; approved the following; NOW THEREFORE,

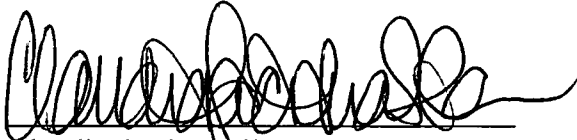
BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$50,000, in the settlement of each and every claim by USAA, the County of San Diego, and Beverly Theis against The City of San Diego, its agents and employees, in San Diego Superior Court Consolidated Case No. 693400, *USAA v. Cole Moving & Storage, et al.*, resulting from an incident which occurred on January 5, and March 6, 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 \$11,000, made payable to USAA and their attorney of record, Jon Kodani; one check in the amount of \$14,000, made payable to the County of San Diego, and one check in the amount of \$25,000, made payable to Beverly Theis

and her attorney of record, C. Kevin Bond, in full settlement of the lawsuit and of all claims by
USAA, County of San Diego, and Beverly Theis against The City of San Diego.

APPROVED: CASEY GWINN, City Attorney

By



Claudia Gacitua Silva
Deputy City Attorney

CGS:cl:db:Civ.

2/25/98

4/13/98 COR.COPY

Aud.Cert:9800973

Or.Dept:Risk.Mgmt

R-98-906

Form=claim2r.frm

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 9800973
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 \$ 50,000.00

Vendor County of San Diego (\$14,000); Law Office of Jon Kadani and USAA (\$11,000); Beverly Theis and her attorney of record Kevin Bond (up to but not exceeding \$25,000)

Purpose Authorizing expenditure of funds for settlement of property damage claim of USAA.

City file #LP96-0534-6234

Date February 19, 1998

By: *Lillian Pease*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1	0	81140	81140		4824	081141	County of San Diego			\$14,000.00
2	0	81140	81140		4824	081141	Jon Kadani & USAA			11,000.00
3	0	81140	81140		4824	081141	Beverly Theis & Kevin Bond			25,000.00
TOTAL AMOUNT										\$50,000.00

AC-361 (REV 2-92)

FUND OVERRIDE

R 289769

FEB 24 1998

AC 9800973