

(R-98-1208)

RESOLUTION NUMBER R- 290202

ADOPTED ON JUN 08 1998

WHEREAS, in Closed Session on April 21, 1998, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 6, and 7; Nays, None; Not Present, Districts 4, 5, 8, and Mayor; approved the following; NOW, THEREFORE,

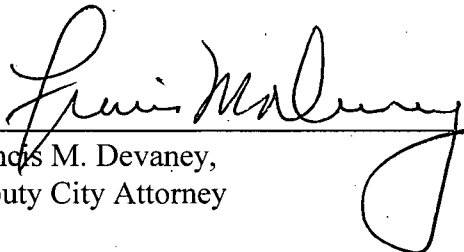
BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to pay the total sum of \$2,750,000.00 in settlement of each and every claim against The City of San Diego, its agents and employees, resulting from injuries sustained by Judy Sayler in an automobile accident that occurred on September 6, 1996 in the City of San Diego, as is more fully set forth and alleged in *Sayler v. City of San Diego*, Superior Court Case No. 707263.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue two checks: one check in the amount of \$2,059,682.00 made payable to Judy Sayler and Richard Sayler and their attorney of record Brooks Iler, and one check in the amount of \$690,318.00 made payable to G.E. Capital Assignment Corporation, in full settlement of the lawsuit and of all claims alleged therein.

BE IT FURTHER RESOLVED, that said funds are to be payable from Fund No. 41500,  
Public Liability Reserve Fund, in the 1999 Fiscal Year.

APPROVED: CASEY GWINN, City Attorney

By

  
Francis M. Devaney,  
Deputy City Attorney

FMD:kjk:Civ.

May 15, 1998  
Aud.Cert:9900001  
Or.Dept:Risk Mgmt.  
R-98-1208  
Form=claimr.frm

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9900001  
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 \$ 2,750,000.00

Vendor Judy & Richard Sayler and their atty of record Brooks Iler, and G.E. Capital Assignment Corp.

Purpose Authorizing the expenditure of funds in settlement of personal injury claim of Judy and Richard

Sayler, city file # AX97-0703-1118.

Date May 11, 1998 By: *Kimberly Rice*

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	41500	760	503	4825	050301				\$2,750,000.00
TOTAL AMOUNT										\$2,750,000.00

FUND OVERRIDE

Authorization based upon Council understanding that settlement is to be paid from the FY99 budget. Check to be issued no earlier than July 2, 1998. AC 9900001

*R* 290202 JUN 08 1998