

RESOLUTION NUMBER R- 293988

ADOPTED ON OCT 17 2000

WHEREAS, in Closed Session on October 17, 2000, the City Council, by the following vote: Yeas, Districts 1, 2, 3, 5, 6, 7, and 8; Not Present, District 4 and the Mayor, approved the settlement of certain claims in the case *Beverly Walker v. City of San Diego, et al.*, U.S. District Court Case No. 97-cv-1547 BTM (POR); and

WHEREAS, at the same time by the following vote: Yeas, Districts 1, 2, 3, 5, 7, and 8; Nays, District 6; Not Present, District 4 and the Mayor, the City Council approved a partial claim for indemnity arising from the same case; 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 a total sum not to exceed \$1,660,000.00, in the settlement of claims against the City of San Diego, its agents and employees, in U.S. District Court Case No. 97-cv-1547 BTM (POR), *Beverly Walker v. City of San Diego, et al.*, resulting from personal injury to Beverly Walker, et al.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller be and he is hereby authorized to issue seven checks, one in the amount of \$150,000.00, made payable to Beverly Walker and her attorney of record, Amy B. Vandeveld; one in the amount of \$20,000.00, made payable to Noel Neudeck and his attorney of record, Amy B. Vandeveld; one in the amount of \$20,000.00, made payable to Peter Moseley and his attorney of record, Amy B. Vandeveld; one in the amount of \$25,000.00, made payable to Jebb Hann and his attorney of record Amy B. Vandeveld; one in the amount not to exceed \$15,000.00, made payable to the Estate of Kip

Hayes and his attorney of record, Amy B. Vandeveld; one in the amount not to exceed \$130,000.00, made payable to the Law Firm of Skadden, Arps, Slate, Meagher, and Flom, LLP; and one in the amount of \$1,300,000.00, made payable to Amy and Thomas Vandeveld, Attorneys at Law, said funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

APPROVED: CASEY GWINN, City Attorney

By Eugene P. Gordon
Eugene P. Gordon
Deputy City Attorney

EPG:rd:db:Civ.
11/06/00
Aud.Cert:2100398
Or.Dept:Risk Mgmt.
R-2001-622
Form=claimr.frm

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 2100398
DEPT. NO.: 81140

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 1,660,000 Fund 81140

Purpose TO AUTHORIZED EXPENDITURE FOR SETTLEMENT OF PERSONAL CLAIM.

Date 11/4/00 By: Albert Cuevas

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				\$1,660,000.00
TOTAL AMOUNT										\$1,660,000.00

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