



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	January 10, 2018		Item Type: <i>(Enter X in box)</i>	Resolution X	Ordinance	Other	
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1 st Reading		2 nd Reading	
	X			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
Funding Source:	1810 545030		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No	
						X	
Account Balance:			Quasi Judicial: <i>(Enter X in box)</i>	Yes		No	
						X	
Project Number :	N/A		RFP/RFQ/Bid Number:	N/A			
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: <i>(Enter X in box)</i>				
			Safety <input checked="" type="checkbox"/>				
			Quality <input type="checkbox"/>				
			Vibrant Appeal <input type="checkbox"/>				
Sponsor Name:	Jennifer Merino, City Attorney		Department: City Attorney's office		Jennifer Merino, City Attorney		

Short Title:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, RATIFYING THE JURY VERDICT AWARD AND NEGOTIATED STATUTORY ALLOWABLE TAXABLE COSTS RESULTING FROM THE JURY TRIAL IN THE CASE OF MIGUEL CHARUN V. CITY OF HALLANDALE BEACH ET AL, CASE NO: CACE 13-020737 (18) IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, BROWARD COUNTY, FLORIDA; AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO ENTER INTO SETTLEMENT IN EXCHANGE FOR THE EXECUTION OF THE APPROPRIATE RELEASE; AND PROVIDING AN EFFECTIVE DATE.

Staff Summary:

BACKGROUND:

On September 24, 2013, Plaintiff filed suit against the City alleging that on May 30, 2012, a police officer negligently operated a City vehicle to cause a collision with Plaintiff's vehicle. Plaintiff claimed to have suffered personal injuries as a result of the accident. The City vigorously defended this case. In August 2017, the City Commission authorized a settlement in the amount of \$100,000 during executive session. However, a Plaintiff elected to proceed to trial. In October, 2017, after a three day trial, the jury awarded Plaintiff \$60,000.00 dollars for past medical damages and \$45,000.00 for pain and suffering, for a total jury award of \$105,000.00 dollars. Pursuant to Florida law, Plaintiff is allowed to receive certain costs incurred as a result of trial. These costs include but are not limited to, expert fees, transcripts, court reporter fees, etc. Plaintiff sought approximately \$10,000.00 dollars in taxable costs. However, the City Attorney's Office has negotiated the costs down to \$5,000.00 dollars. The total sum to be paid to the Plaintiff inclusive of jury verdict award and statutory allowable costs are \$110,000.00 dollars.

The City Attorney requests authorization to enter into a settlement in the amount of One Hundred and Ten Thousand (\$110,000.00) dollars and no cents. This amount will be remitted in exchange for the appropriated releases by the Plaintiff. The City Attorney further recommends authorization to execute any and all necessary documents to effectuate the settlement of the case.

WHY ACTION IS NECESSARY:

Pursuant to Section 24-3 (d), of the City of Hallandale Beach, Code of Ordinances, proposed settlements in excess of \$20,000.00 shall be submitted to the City Commission for its decision. This settlement exceeds the authority amount given to the City Manager, and City Attorney to settle claims, which require City Commission for approval.

FISCAL IMPACT:

\$110,000.00.

Proposed Action:

Motion To Consider and Approve: A Resolution Of The Mayor And City Commission Of The City Of Hallandale Beach, Florida, Ratifying The Jury Verdict Award and Negotiated Statutory Allowable Taxable Costs Resulting from Jury Trial in the case of Miguel Charun v. City of Hallandale Beach, Case No: CACE 13-020737 (18) and Authorizing The City Manager and City Attorney To Enter Into Settlement In Exchange For The Execution Of The Appropriate Release(s). Further authorizing the City Manager and City Attorney to execute any and all necessary documents to effectuate the settlement of this jury award, inclusive of the negotiated statutory allowable taxable costs.

Attachment(s):

Exhibit 1 – Resolution