



**Hallandale Beach**  
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400 South Federal Hwy  
Hallandale Beach, FL 33009

## City of Hallandale Beach City Commission Agenda Cover Memo

<b>Meeting Date:</b>	November 1, 2017		<b>Item Type:</b> <small>(Enter X in box)</small>	Resolution <div style="text-align: center;">X</div>	Ordinance	Other
<b>Fiscal Impact:</b> <small>(Enter X in box)</small>	Yes	No	<b>Ordinance Reading:</b> <small>(Enter X in box)</small>	1 <sup>st</sup> Reading		2 <sup>nd</sup> Reading
	X					
			<b>Public Hearing:</b> <small>(Enter X in box)</small>	Yes	No	Yes
					X	
<b>Funding Source:</b>	1810 545030		<b>Advertising Requirement:</b> <small>(Enter X in box)</small>	Yes		No
						X
<b>Account Balance:</b>			Quasi Judicial: <small>(Enter X in box)</small>	Yes		No
						X
<b>Project Number :</b>	N/A		<b>RFP/RFQ/Bid Number:</b>	N/A		
<b>Contract/P.O. Required:</b> <small>(Enter X in box)</small>	Yes	No	Strategic Plan Priority Area: <small>(Enter X in box)</small>			
			Safety <div style="float: right;"><input checked="" type="checkbox"/></div>			
			Quality <div style="float: right;"><input type="checkbox"/></div>			
			Vibrant Appeal <div style="float: right;"><input type="checkbox"/></div>			
<b>Sponsor Name:</b>	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 SETTLEMENT WITH PHILLIP MCENANY AND KAREN MCENANY V. CITY OF HALLANDALE BEACH ET AL, IN CASE NO: CACE 11-23180 (13) IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT, BROWARD COUNTY, FLORIDA AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO ENTER INTO SETTLEMENT, FOR PERSONAL INJURIES HE SUSTAINED, IN EXCHANGE FOR THE EXECUTION OF THE APPROPRIATE RELEASE; AND PROVIDING AN EFFECTIVE DATE.

### Staff Summary:

**BACKGROUND:**

Mr. Mcenany filed suit against the City alleging that on July 7, 2011, he sustained injuries to his back, ankle, shoulders and neck, while driving a motorcycle eastbound on I-595 when he was struck from behind by a city owned vehicle driven by a city employee at approximately 6:27am. The city employee was on his way to work at the time of the accident. Mr. Mcenany did have surgery to his shoulders and ankle. The parties seeks to settle the litigation in the amount of one hundred and fifty thousand dollars (\$150,000.00) dollars and no cents in exchange for the execution of the appropriate release(s).

The City Attorney requests authorization to ratify the negotiated settlement amount of one hundred and fifty thousand (\$150,000.00) dollars and no cents. This amount will be remitted in the form of U.S. currency in the amount of one hundred and fifty thousand (\$150,000.00) dollars and no cents, in exchange for the appropriate releases by the Plaintiffs. 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 approval.

**FISCAL IMPACT:**

\$150,000.00.

**Proposed Action:**

Motion To Consider and Approve: A Resolution Of The Mayor And City Commission Of The City Of Hallandale Beach, Florida, Ratifying The Settlement With Phillip Mcenany and Karen Mcenany v. City of Hallandale Beach et al, in Case No: Cace 11-23180 (13) In The Circuit Court Of The Seventeenth Judicial Circuit, Broward County, Florida And Authorizing The City Manager And City Attorney To Enter Into Settlement, For Personal Injuries He Sustained, 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 the case.

**Attachment(s):**

Exhibit 1 – Resolution