

**RESOLUTION NO. 2017 -**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO ENTER INTO A PRE-LITIGATION SETTLEMENT WITH JEANETTE MALENFONT IN RISK MANAGEMENT CLAIM NO: 16-129, FOR PERSONAL INJURIES SHE SUSTAINED, IN EXCHANGE FOR THE EXECUTION OF THE APPROPRIATE RELEASE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the attorney on behalf of Jeanette Malenfont has filed a Notice of Claim with the City of Hallandale Beach pursuant to Section 768.28 of the Florida Statutes advising the City that his client sustained injuries as a result of falling down while walking on the sidewalk of S.W. 8<sup>th</sup> street in the early morning of March 30, 2015; and

**WHEREAS**, the Risk Manager's investigation of this accident determined that the sidewalk where the claimant fell was raised approximately 1 ½ to 2 inches. As a result, the claimant was transported to Memorial Regional Hospital for treatment; and

**WHEREAS**, the medical bills have been submitted to corroborate the injuries sustained by Ms. Malenfont, which included a fractured nose, which required surgery; and

**WHEREAS**, at a trial, Ms. Malenfont would be entitled to pursue damages for any unpaid medical expenses, her pain and suffering before the trial and the anticipated future medical bills and pain and suffering; and

**WHEREAS**, through pre-litigation negotiations between the Risk Manager and the attorney for Ms. Malenfont, the Risk Manager has negotiated and the claimant's attorney has agreed to reduce their demand for settlement from the statutory limit of Two Hundred Thousand (\$200,000.00) Dollars to a final offer of Thirty-Thousand (\$30,000.00) Dollars; and

**WHEREAS**, the City Manager and the City Attorney's maximum authority to resolve personal injury claims is Twenty Thousand (\$20,000.00) dollars; and

**WHEREAS**, Section 286.011 of the Florida Statutes prohibits a closed Executive Session unless the matter is in pending litigation; and

**WHEREAS**, after full consideration of the facts of this claim and the City's exposure to a jury verdict entered against the City, the City Manager and City Attorney recommend City Commission approval to accept claimant's offer to resolve this claim for Thirty-Thousand (\$30,000.00) Dollars in exchange for an executed release in favor of the City; and

**WHEREAS**, the Mayor and City Commission being fully advised on the facts of this matter, believe it is in the best interest of the City to resolve this claim in lieu of proceeding to litigation and trial and accept the recommendation of the City Manager and City Attorney.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:**

**SECTION 1. City Manager and City Attorney Authorization.** The Mayor and City Commission hereby authorize the City Manager and City Attorney to settle the pre-litigation claim of Jeanette Malenfont Risk Manager Claim No.: 16-129 for the total sum of Thirty-Thousand (\$30,000.00) Dollars, inclusive of attorney fees, in exchange for the appropriate release executed by Ms. Malenfont.

**SECTION 2. Effective Date.** This Resolution shall take effect immediately upon its passage and adoption.

APPROVED AND ADOPTED this            day of December, 2017.

JOY F. COOPER  
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

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MARIO BATAILLE, CMC

77 CITY CLERK

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79 APPROVED AS TO LEGAL SUFFICIENCY

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JENNIFER MERINO

86 CITY ATTORNEY

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