

City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	12/06/2017			Resolution	Ordinance	Other	
				X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>		1st Reading		2nd Reading
	X		Public Hearing: <i>(Enter X in box)</i>		Yes	No	Yes
					X		
Funding Source:	General Liability Account #570-1810-545030		Advertising Requirement: <i>(Enter X in box)</i>		Yes		No
Account Balance:	\$510,145		Quasi Judicial: <i>(Enter X in box)</i>		Yes		No
Project Number :			RFP/RFQ/Bid Number:				
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: <i>(Enter X in box)</i>				
		X					
			Safety	<input checked="" type="checkbox"/>			
			Quality	<input type="checkbox"/>			
			Vibrant Appeal	<input type="checkbox"/>			
Sponsor Name:	Jennifer Merino		Department: Human Resources/RM		Radu Dodea, Human Resources Director		

Short Title:

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.

Staff Summary:

Background:

This case involves a 73 year old woman who was walking on the sidewalk on SW 8th Street in the early morning of March 30, 2015 and fell on an uneven sidewalk. She was transported to Memorial Regional Hospital for treatment, and was diagnosed with a fractured nose which required surgery.

Investigation of this accident determined that the sidewalk where the claimant fell had differential levels between the sections of concrete. The City's Public Works Department did make the necessary repairs to this sidewalk.

The majority of the medical costs were paid by the claimant's medical insurance. The attorney representing the claimant initially wanted \$200,000 to settle this claim. After initiating the negotiating process, the attorney came down to \$65,000. Staff continued to negotiate until the attorney ultimately came down to our final offer of \$30,000.

Considering the injuries to the claimant, the total medical costs incurred and the fact that the claimant would make a very good witness in court, staff believes that our offer of \$30,000 to settle this case and obtain a release to avoid protracted litigation is in the best interest of the City.

Proposed Action:

Staff recommends approval of the attached Resolution authorizing the City Attorney and the City Manager to settle the pre-litigation claim of Jeannette Malenfont, Risk Management file #16-129 for the total sum of \$30,000 inclusive of attorney fees.

Attachment(s):

Exhibit 1 - Resolution

Prepared By:

Jim Buschman

Jim Buschman,
Risk Manager