



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	5/02/2018		Item Type: <small>(Enter X in box)</small>	Resolution X	Ordinance	Other
Fiscal Impact: <small>(Enter X in box)</small>	Yes	No	Ordinance Reading: <small>(Enter X in box)</small>	1st Reading		2nd Reading
	X			Public Hearing: <small>(Enter X in box)</small>	Yes	No
Funding Source:	570-1810-545030		Advertising Requirement: <small>(Enter X in box)</small>		Yes	
						X
Account Balance:	\$122,974		Quasi Judicial: <small>(Enter X in box)</small>	Yes		No
						X
	N/A		RFP/RFQ/Bid Number:	N/A		
Contract/P.O. Required: <small>(Enter X in box)</small>	Yes	No	Strategic Plan Priority Area: <small>(Enter X in box)</small> Safety <input checked="" type="checkbox"/> Quality <input type="checkbox"/> Vibrant Appeal <input type="checkbox"/>			
		X				
Sponsor Name:	Roger Carlton		Department: HR/Risk Management	Jim Buschman, Risk Manager		

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 MONICA MAKSYLEWICZ IN RISK MANAGEMENT CLAIM NO: 15-151 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 motor vehicle accident between the city water truck and two other vehicles. Extensive damage was sustained by all three vehicles and all were a total loss. The claimant, Monica Maksylewicz was traveling in her vehicle on NW 8th Avenue stopped waiting to make a left-hand turn onto NW 3rd Street. City employee driving a city water truck failed to see the claimant waiting for oncoming traffic and as a result, he rear-ended her vehicle which sent her into oncoming traffic. Claimant was then hit head on by another vehicle traveling in the opposite direction. Claimant was taken to the hospital and subsequently released with a rib fracture and numerous bruises. Total medical bills are approximately \$43,000 of which there is a remaining unpaid balance of \$24,000.

The attorney representing the claimant originally demanded the statutory limit of \$200,000. After initiating the negotiation process, the attorney agreed to settle this case for \$52,000.

Considering the severity of the crash and the injuries to the claimant, staff believes settling this case for \$52,000 to obtain a full release to avoid litigation is in the city's best interest.

Fiscal Impact:

\$52,000

Proposed Action:

Staff recommends approval of the attached Resolution authorizing the City Attorney and the City Manager to settle the pre-litigation claim of Monica Maksylewicz, Risk Management file #15-151 for the total sum of \$52,000 inclusive of attorney fees.

Attachment(s):

Resolution