



REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

January 15, 2020

DEPARTMENT:

City Attorney

DIVISION:

- ☒ Motion
- ☐ Resolution
- ☐ Ordinance - Introduction
- ☐ Ordinance - Adoption
- ☐ Public Hearing

TITLE:

Settlement of Lawsuit

SUMMARY RECOMMENDATION:

Approve and ratify settlement of Yuma County Superior Court Case No. S1400CV2019-00080. (City Attorney) (Richard Files)

REPORT:

Clerk Note: The Request for City Council Action was amended, by motion of the City Council, to note the \$50,000.00 will be funded from the City Attorney's Office Settlement Account.

On January 31, 2019, plaintiff filed suit in connection with a motor vehicle accident involving a City employee rear-ending plaintiff. The lawsuit alleges personal injuries and seeks damages in excess of \$150,000. The City defendants have admitted liability for the accident, leaving only a question of the amount of damages for trial.

During trial preparation and negotiations, plaintiff agreed to compromise and settle the case for the full and final amount of \$50,000, which requires approval by the City Council.

Reviewing the facts and evidence, together with the risks and costs associated with taking this matter through trial, the City Attorney's Office believes settlement at the reduced amount is in the City's best interests. Under the circumstances, the settlement provides resolution of the lawsuit without extending the costly litigation process. Approving this motion will ratify the settlement amount and dismissal of the lawsuit.

FISCAL REQUIREMENTS	CITY FUNDS:	\$50,000.00	BUDGETED:	\$50,000.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP: City Attorney's Office Settlement Acct.	
	TOTAL:	\$50,000.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5. IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input checked="" type="radio"/> Department <input type="radio"/> City Clerk's Office <input type="checkbox"/> Document to be recorded <input type="checkbox"/> Document to be codified			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Philip Rodriquez		1/8/2020	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Richard W. Files		1/6/2020	
RECOMMENDED BY (DEPT/DIV HEAD):		DATE:		
WRITTEN/SUBMITTED BY:		DATE:		