

RESOLUTION NO. R-2012-40

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE A SETTLEMENT AGREEMENT IN THE PRE-LITIGATION MATTER OF HECTOR PINEDA V. CITY OF NORTH MIAMI, UPON THE EXECUTION OF A GENERAL RELEASE, DISCHARGING THE CITY OF NORTH MIAMI, ITS OFFICERS, AGENTS AND SERVANTS AGAINST ANY AND ALL CLAIMS AND DEMANDS, IN CONNECTION WITH THIS ACTION; PROVIDING FOR AN EFFECTIVE DATE AND ALL OTHER PURPOSES.

WHEREAS, Hector Pineda suffered injuries when his personal vehicle was impacted by a North Miami Police vehicle as it proceeded through an intersection in an emergency mode; and

WHEREAS, after undergoing conservative treatment, Mr. Pineda was released from further care, having attained his maximum level of improvement with a fifteen (15) percent permanent impairment rating; and

WHEREAS, Mr. Pineda may need extensive future medical treatment because of his injuries; and

WHEREAS, based on the investigation conducted at the scene of the accident as well as subsequently performed, there may be a viable basis to claim comparative negligence; and

WHEREAS, Mr. Pineda's initial settlement demand was One Hundred Thousand Dollars (\$100,000.00); and

WHEREAS, the Risk Management Committee has investigated this claim, negotiated with Mr. Pineda's attorney and recommends that said claim and lawsuit be settled for a sum not to exceed Forty-Five Thousand Dollars (\$45,000.00); and

WHEREAS, the costs to defend and litigate this action could easily exceed Forty-Five Thousand Dollars (\$45,000.00); and

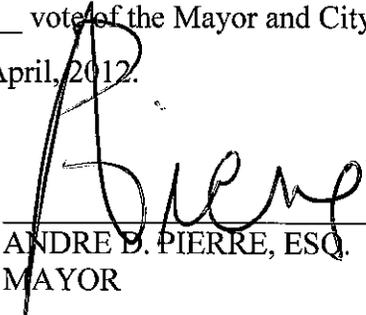
WHEREAS, the Mayor and City Council believe that it is in the best economic interest of the City to authorize the settlement of the claim with Mr. Pineda.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Authority of City Manager. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the city manager and city attorney to execute a settlement agreement to settle the claim of Hector Pineda v. City of North Miami, Risk Management Case No. AL-10-W-35-PD, upon the execution of a general release, discharging the City of North Miami, its officers, agents and servants against any and all claims and demands, in connection with this action.

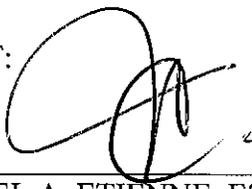
Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 10 day of April, 2012.



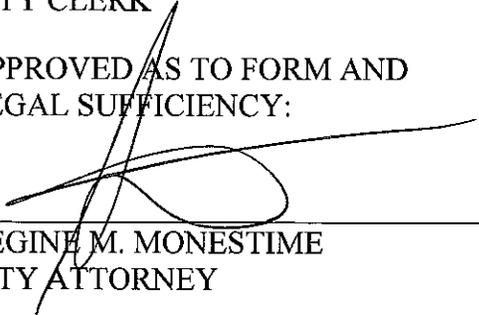
ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Councilman Galvin

Seconded by: Vice Mayor Marcellus

Vote:

Mayor Andre D. Pierre, Esq.	<u>X</u>	(Yes)	<u> </u>	(No)
Vice Mayor Jean R. Marcellus	<u>X</u>	(Yes)	<u> </u>	(No)
Councilperson Michael R. Blynn, Esq.	<u>X</u>	(Yes)	<u> </u>	(No)
Councilperson Scott Galvin	<u>X</u>	(Yes)	<u> </u>	(No)
Councilperson Marie Erlande Steril	<u>X</u>	(Yes)	<u> </u>	(No)