

RESOLUTION NO. 2016-R-17

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE SETTLEMENT OF RISK MANAGEMENT CASE #AL-11-W-52-PW, A/K/A THE LITIGATION MATTER OF 'JOSE TRIANA V. CITY OF NORTH MIAMI', FILED IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT, MIAMI-DADE COUNTY, FLORIDA, CASE NO. 13-39348-CA-32, FOR THE TOTAL SUM OF THIRTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$37,500.00); FURTHER AUTHORIZING THE INTERIM CITY MANAGER AND INTERIM CITY ATTORNEY TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SETTLEMENT; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the Plaintiff, Mr. Jose Triana suffered property damage and personal injury when his personal vehicle was impacted by a City of North Miami ("City") Public Works pick-up truck during a lane change; and

WHEREAS, Mr. Triana, through his attorney, pursued recovery for damages and injuries against the City by filing an initial demand in the amount of One Hundred Thousand Dollars (\$100,000.00); and

WHEREAS, mediation occurred in November 2015, but resulted in an impasse due to the disparity between the sum demanded by Mr. Triana and the amount offered by the City in mediation; and

WHEREAS, negotiation talks continued beyond mediation when outside counsel, Kertch Conze, was able to negotiate a proposed settlement in the amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00), the lowest demand proffered to date; and

WHEREAS, in December 2015, the Risk Management Committee met and evaluated the proposed claim, and agreed that settlement in the amount of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00), was in the City's best interest; and

WHEREAS, the costs to defend and continue to litigate this action could easily exceed the proposed settlement amount; and

WHEREAS, on January 26, 2016, an executive session was convened in accordance with Section 286.011, Florida Statutes (2015), for discussion relating to settlement negotiations; 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. Triana.

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

Section 1. Authority to Settle. The Mayor and City Council of the City of North Miami, Florida, hereby authorize the settlement of Risk Management Case #AL-11-W-52-PW, a/k/a the litigation matter of 'Jose Triana v. City of North Miami', filed in the Circuit Court of the 11th Judicial Circuit, Miami-Dade County, Florida, Case No. 13-39348-CA-32, for the total sum of Thirty-Seven Thousand Five Hundred Dollars (\$37,500.00); further authorizing the Interim City Manager and Interim City Attorney to do all things necessary to effectuate the settlement.

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 23rd day of February, 2016.



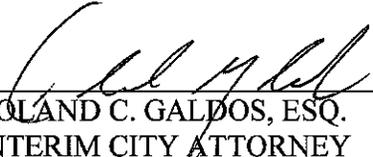
DR. SMITH JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ROLAND C. GALDOS, ESQ.
INTERIM CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Bien-Aime

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Alix Desulme
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Philippe Bien-Aime

 X (Yes) (No)
 X (Yes) (No)
 X (Yes) (No)
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