



## Council Agenda Summary

January 3, 2023

Key Staff Contact: Doug Marek, City Attorney, 970-350-9755

John Goodson, Risk Manager, 970-573-9455

### Title:

Consideration of a Resolution of the City Council of the City of Greeley authorizing City staff to enter into a Settlement and Mutual Release Agreement with Ms. Manuela Sanchez

### Summary:

Ms. Sanchez filed a notice of claim against the City for physical injuries sustained on March 22, 2022, when the vehicle in which she was a passenger was struck from the rear by a Greeley Police Department vehicle. The vehicle was not engaged in any emergency activity at the time. The notice claimed damages for medical treatment, prescriptions, therapy, severe pain and suffering, loss of enjoyment of life, loss of earnings, and loss of property. The City's Risk Manager, in consultation with the City Attorney, investigated the claim to determine the appropriateness of a compromise settlement. The City has reached a settlement with the Claimant, resolving all her claims. The settlement agreement is contingent upon the approval of the City Council.

### Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	Yes
If yes, what is the initial, or, onetime impact?	\$125,000
What is the annual impact?	None
What fund of the City will provide Funding?	Claims Reserve Fund
What is the source of revenue within the fund?	Allocations charged to each City department
Is there grant funding for this item?	No

### Legal Issues:

A settlement agreement with Ms. Manuela Sanchez will resolve all associated claims against the City and the City employee involved in the accident. In addition, it will reduce the claims payout as well as avoid further costs associated with litigation. Prior to consideration of the resolution approving the settlement agreement, City Council may choose to go into executive session to receive legal advice and to give instructions to City staff.

### Other Issues and Considerations:

None anticipated.

**Strategic Focus Area:**



**Safe and Secure Communities**

Manage the City's protection of the health, safety and welfare of the City for residents, businesses and visitors, consistent with state and federal law.

**Decision Options:**

Initially, City Council may consider whether to go into Executive Session (at Council's option) using the following form of motion:

I move to go into Executive Session to discuss the following matter as provided under Colorado Revised Statutes §§24-6-402(4)(e)(1) and 24-6-402(4)(b), and Greeley Municipal Code 2-151:

For the purpose of giving instructions to City staff and to receive legal advice from the City Attorney regarding the circumstances of potential litigation, *Manuela Sanchez v City of Greeley*.

Upon consideration of the matter in open session, the Council may move to:

- 1) Adopt the resolution as presented;
- 2) Amend the resolution and adopt as amended;
- 3) Deny the resolution;
- 4) Continue consideration of the resolution to a date certain.

**Council's Recommended Action:**

A motion to adopt the Resolution.

**Attachments:**

Proposed Resolution

Proposed Settlement and Mutual Release Agreement (Exhibit A to Resolution)