



Date: Tuesday, November 28, 2023

Honorable Mayor and Council Members:

Author and title: Nicole Casey, Administrative Services Director

Title: **Authorize the Settlement and Payment Release of Damage Claim**

Approved By: \_\_\_\_\_ Jen Callaway, Town Manager

**Recommended Action:** That the Council authorize the Town Manager to offer a settlement to Jan Goodman, via Damien Fertitta PLC in an amount not to exceed \$15,000.

**Discussion:** On July 31, 2023, the claimant sustained an injury while allegedly attempting to cross Bridge Street in a Town maintained crosswalk. There was a defect in the roadway just adjacent to the crosswalk that has since been repaired by the Town.

The Town submitted the claim to the Town's claim processing company, George Hills, as the initial claim was for \$150,000. The claims processor assigned to this case, worked with claimant's representation, and has a tentative agreement to settle for \$15,000. The Town Manager has reviewed the claim and recommends authorizing this settlement.

The claim was filed on behalf of the claimant by Damien Fertitta PLC. Town Municipal Code Section 3.16.010.1 (d) requires that the Town Council recommend settlement or denial for claims of \$10,000 or more.

Documentation related to this claim is in the risk management file and is available for your review.

**Priority:**

<input type="checkbox"/> Enhanced Communication	<input type="checkbox"/> Climate and Greenhouse Gas Reduction	<input type="checkbox"/> Housing
<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/> Core Service

**Fiscal Impact:** The Town will offer \$15,000 in exchange for full and final settlement of the claim. This will come from the road maintenance budget for fiscal year 2023/2024. Staff anticipate that there is sufficient budget to cover this expense.

**Public Communication:** N/A

**Attachments:** Claim for Damages