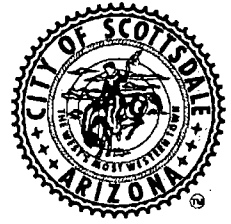


CITY COUNCIL REPORT



Meeting Date: January 11, 2016
General Plan Element: *Provide for the orderly administration of the affairs of the City*
General Plan Goal: *Fiscal management*

ACTION

Adopt Resolution No. 10322 authorizing settlement of *Hill v. City of Scottsdale*. Consider adopting Resolution No. 10322 authorizing settlement in the amount of \$90,000 of Angela Hill and Brent Hill's negligence lawsuit against the City styled *Hill v. City of Scottsdale*, Case No. CV2013-015416, currently pending in the Maricopa County Superior Court.

Background

This litigation stems from a slip and fall which is alleged to have occurred on November 22, 2012, at approximately 1:30 p.m., while Plaintiff was jogging on the sidewalk on 100th Street, southeast of Raintree Drive. Plaintiff claims her foot caught upon a deviation in the sidewalk, which caused her to trip and fall, fracturing her hip and resulting in multiple surgeries. Plaintiff is claiming injuries and damages as a result of her alleged fall. The City denies any liability and contends Plaintiff is at least partially, if not wholly, at fault for her accident and any associated damages.

Before filing suit, the Hills filed a Notice of Claim with the City seeking \$1.25 Million in damages. Angela Hill's claim for past and future medical bills exceeds \$240,000.

The City has reached a tentative settlement of this particular litigation, subject to the approval of the City Council. The recommended settlement is the amount of ninety thousand dollars (\$90,000) and will lead to the dismissal of the case and termination of the litigation.

ANALYSIS & ASSESSMENT

Recent Staff Action

Staff from the City Attorney's Office and from the Risk Management Department have worked in the defense of this matter. The parties recently engaged in a settlement conference which was unsuccessful but the parties continued discussions thereafter leading to this tentative settlement.

Policy Implications

Each litigation is unique. There are no known broader policy implications inherent in this decision.

Significant Issues to be Addressed

Given the risk of litigation and the additional costs of moving forward to a trial, the City Attorney's Office and Risk Management Department believe a settlement amount of \$90,000 is in the best interests of the City. Settlement of this action will resolve the uncertainty of litigation.

Community Involvement

No community involvement is necessary on this item as this matter is in litigation.

RESOURCE IMPACTS

Available funding

Funding is available in the Risk Management operating budget.

Staffing, Workload Impact

Approval of the proposed settlement brings this litigation to a conclusion and will eliminate the need for staff resources from the City Attorney's Office, Risk Management and other Departments to be spent on this case, as well as eliminating the risk and uncertainty of litigation.

Future Budget Implications

The proposed settlement of \$90,000.00 may be included in the City's primary property tax rate for the next year. The eligibility of settlement and judgment payments for possible inclusion in the City's primary property tax rate is based upon an Arizona Attorney General opinion. The City of Scottsdale has a long-standing practice of including paid tort settlements equal to or greater than \$20,000.00 in the City's primary tax rate to reimburse the Self-Insured Fund for payment of the claim.

Cost Recovery Options

None.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach

Adopt Resolution No. 10322 and authorize settlement and release of this litigation in the

City Council Report | Authorizing Settlement

amount of ninety thousand dollars (\$90,000) as proposed.

Proposed Next Steps

If the settlement is approved, City representative(s) will execute settlement documents as proposed and the City will pay the settlement amount within a reasonable time thereafter.

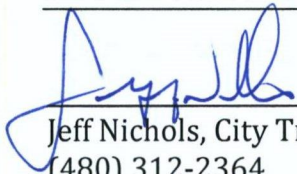
RESPONSIBLE DEPARTMENT(S)

City Attorney's Office – Civil Division
Risk Management

STAFF CONTACTS (S)

Bruce Washburn, City Attorney, bwashburn@scottsdaleaz.gov

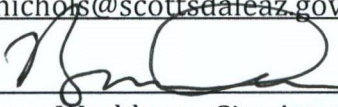
APPROVED BY



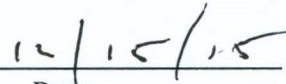
Jeff Nichols, City Treasurer
(480) 312-2364
jenichols@scottsdaleaz.gov



Date



Bruce Washburn, City Attorney
(480) 312-2405
bwashburn@scottsdaleaz.gov



Date

ATTACHMENTS

1. Resolution No. 10322

RESOLUTION NO. 10322

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE,
MARICOPA COUNTY, ARIZONA, CONCERNING HILL v. CITY OF
SCOTTSDALE ET AL., CAUSE NO. CV2013-015416, CURRENTLY PENDING
IN MARICOPA COUNTY SUPERIOR COURT

WHEREAS, Angela Hill and Brent Hill, wife and husband, brought suit against the City of Scottsdale seeking to recover monetary damages for injuries resulting from a trip and fall which occurred on November 22, 2012 in Scottsdale; and

WHEREAS, the City has decided to resolve the disputed issues and compromise the claims by settling herein; and

WHEREAS, it is in the best interest of the City to effectuate a settlement of the matter of *HILL V. CITY OF SCOTTSALE*, Maricopa County Superior Court Case No. CV2013-015416.

NOW, THEREFORE, BE IT RESOLVED, by the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council authorizes \$90,000 to be paid from the City's Risk Management Operating Budget (710 23740 52481) for settlement of *HILL V. CITY OF SCOTTSDALE*, Maricopa County Superior Court Case No. CV2013-015416.

Section 2. That the City Manager, City Treasurer, the City Attorney, and their respective staffs are authorized and directed to execute such documents and take such other actions as are necessary to carry out the purpose of this Resolution.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of January, 2016.

ATTEST:

CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
Bruce Washburn, City Attorney
By: Eric C. Anderson, Senior Assistant City Attorney

ATTACHMENT #1