



## Legislation Text

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**File #:** 17-0122, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Mark Danaj, City Manager

**FROM:**

Quinn Barrow, City Attorney

Teresia Zadroga-Haase, Human Resources Director

**SUBJECT:**

Settlement and Release with Marsha Weiss (City Attorney Barrow and Human Resources Director Zadroga-Haase).

**APPROVE**

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**RECOMMENDATION:**

Staff recommends that the City Council approve the settlement and release in the amount of \$26,000 with Marsha Weiss.

**FISCAL IMPLICATIONS**

The \$26,000 settlement will be paid out of existing appropriations in the insurance fund.

**BACKGROUND**

This claim stems from a City sewage back up that allegedly caused flooding in the residence of Marsha Weiss. This is a general liability claim and the City's self-insured retention (SIR) for general liability claims is \$500,000. The full value of this settlement is within the City's SIR.

**DISCUSSION**

Due to the nature of the claim, we recommended settlement discussions to avoid litigation costs. After negotiations, Ms. Weiss agreed to settle her claim for \$26,000 in return for a full release of all claims arising from the incident.

Consistent with Council direction to place proposed settlements on Council agendas, the proposed settlement agreement is attached for Council consideration.

**LEGAL REVIEW**

The settlement and release document has been prepared by and approved by Special Counsel as to legal form.

**CONCLUSION**

Staff recommends that City Council approve the settlement and release and authorize the City Manager to execute the agreement.

**Attachment:**

1. Settlement and Release