



TO: Honorable Mayor & Members
Fort Lauderdale City Commission

FROM: Lee Feldman, City Manager

DATE: September 18, 2012

TITLE: Motion to Approve Settlement of Vehicle General Liability File # VA GL 11-1043 (Edlyms Gonzalez) - \$67,500.

Recommendation

Staff recommends settlement, and as provided in the City Charter, this settlement has been evaluated by the proper City officials and all concur that a settlement of \$30,000 to Ms. Gonzalez and payment of \$37,500 to GEICO Insurance Company is in the City's best interest.

Background

This claim is the result of an automobile collision involving a City owned vehicle being operated by an employee while in the course of his official duties. On the morning of August 19, 2011 Lt. Dew was driving his assigned unmarked police car when he failed to notice the car in front of him stop suddenly due to other traffic. Lt. Dew struck the rear of Ms. Edlyms Gonzalez's BMW pushing it into the pick-up truck in front of her. Ms. Gonzalez complained of injury at the scene and was transported by Emergency Medical Services (EMS) to the hospital where she was treated and released the same day.

Ms. Gonzalez sought medical care that resulted in a surgical decompression procedure to repair one herniated disc in her low back. The herniated disc was confirmed by a Magnetic Resonance Imaging (MRI) scan and the surgical repair was done at the Lake Worth Surgical Center. The cost of Ms. Gonzalez's medical treatment totaled \$96,133.40. She made an additional lost wage claim of \$5,191.20. Total damages are \$101,324.60.

A settlement was reached by legal counsel for the City, with Ms. Gonzalez and her attorney, and the counsel for GEICO Insurance Company, Ms. Gonzalez's uninsured motorist coverage carrier. In accordance with State law, GEICO paid their policy limits of \$50,000 to Ms. Gonzalez. GEICO has subrogation rights to make claim for full recovery of their payment to Ms. Gonzalez from the City. However, GEICO has accepted payment of \$37,500. It was also agreed for the City to settle directly with Ms. Gonzalez for an additional \$30,000.

This settlement was discussed at the June 19, 2012 executive closed door session of the City Commission.

Resource Impact

There is a fiscal impact to the City in the amount of \$67,500

Funding for this item is available in Fund 543, Subfund 01, Index Code INS 010101, Subobject 5104.

FY Year	SUB		FUND NAME	INDEX #	INDEX NAME	SUB		AMOUNT
	FUND	FUND				OBJECT #	SUBOBJECT NAME	
2011-2012	543	01	City Insurance	INS010101	Self Insurance Claims	5104	Auto Liability Claims	67,500.00
TOTAL								67,500.00

Prepared By: Alan Harvey. Senior Claims Adjuster, ext. 5947

Department Director: Averill Dorsett