

Mayor and Council Communication

DATE: 08/13/24

M&C FILE NUMBER: M&C 24-0628

LOG NAME: 12WALLER SETTLEMENT

SUBJECT

(ALL) Authorize Settlement and Payment in the Amount of \$825,000.00 to Settle the Claims of Angie Waller, Chris Waller, Gayla Kimbrough and Terry Springer, Related to the Lawsuit Entitled Angie Waller, et al v. Richard Hoepfner (Cause No. 4:15-cv-00670-P)

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the settlement and payment in the amount of \$825,000.00 to be distributed to Angie Waller, Chris Waller, Gayla Kimbrough, and Terry Springer, and attorneys Art Brender and Michael Ware in settlement of all claims related to the lawsuit styled, *Angie Waller, et al. v. Richard Hoepfner*, Civil Action No 4:15-cv-00670-P;
 2. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Risk Financing Fund in the amount of \$525,000.00, from available net position, for the purpose of funding lawsuit expenses; and
 3. Authorize the appropriate City Personnel to execute all releases and agreements necessary to complete the settlement.
-

DISCUSSION:

On May 28, 2013, Fort Worth Police Officers responded to an alarm call. During the investigation of the call, one of the officers encountered Jerry Waller. During the encounter Mr. Waller was shot and killed. The children of Mr. Waller sued the City and Officer Hoepfner, alleging that Mr. Waller's constitutional rights were violated.

An agreement has been reached to settle the claims for \$825,000.00, subject to City Council approval. A final determination of the division of the settlement amount will be determined by the Plaintiffs and Intervenors, and the attorneys for the Plaintiffs and Intervenors.

Funding is available for appropriation from net position of the Risk Financing Fund. The beginning net position balance is \$38,462,516.07 and after appropriation the new net position balance will be \$37,937,516.07.

Parties are to bear their own court costs.

Approval of this settlement should not be construed as an admission of liability by the City of Fort Worth, as any liability in this matter is denied.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that funds are currently available from net position of the Risk Financing Fund, and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the current operating budget, as appropriated, in the Risk Financing Fund. Prior to any expenditure being incurred, the Human Resources Department and the City's Attorney's Office have the responsibility to validate the availability of funds.

Submitted for City Manager's Office by: ALL ACMs 6122

Originating Business Unit Head: Leann Guzman 8973

Additional Information Contact: Laetitia Coleman Brown 6639