

# Mayor and Council Communication

**DATE:** 08/09/22

**M&C FILE NUMBER:** M&C 22-0563

**LOG NAME:** 14GALVEZ LAWSUIT SETTLEMENT

**SUBJECT**

(ALL) Authorize Settlement and Payment in the Amount of \$125,000.00 to Carolyn Galvez and her Attorney, Larry Rolle, of Rolle Law for Full and Final Settlement of All Claims Related to the Lawsuit Styled Carolyn Galvez v. City of Fort Worth, Cause No. 017-326386-21 in the 17th District Court; Tarrant County, Texas, Adopt Appropriation Ordinance and Amend the Fiscal Year 2022 Adopted Budget

**RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize settlement and payment in the amount of \$125,000.00 to Carolyn Galvez and her attorney, Larry Rolle, of Rolle Law for full and final settlement of all claims related to the lawsuit styled Carolyn Galvez v. City of Fort Worth, Cause No. 017-326386-21 in the 17th District Court; Tarrant County, Texas;
2. Authorize the appropriate City personnel to execute all releases and agreements necessary to complete the settlement;
3. Adopt the attached appropriation ordinance increasing estimated receipts and appropriations in the Risk Financing Fund, in the amount of \$125,000.00, from available Net Position, for the purpose of funding lawsuit expenses; and
4. Amend the Fiscal Year 2022 Adopted Budget.

**DISCUSSION:**

On August 26, 2019, a City of Fort Worth Police Officer was responding to a call for assistance from a fellow Fort Worth Police Department Officer, who was confronted by an aggressive individual at the Quick Trip station on Las Vegas Trail. The officer proceeded Code 3 (lights and siren) toward fellow officer's location and as he negotiated a curve in the roadway, the vehicle began to fish tail; the officer was unable to maintain control of the vehicle and went across a concrete median and struck claimant vehicle, driven by plaintiff Carolyn Galvez.

Plaintiff Galvez was taken to John Peter Smith Hospital via MedStar. She suffered extensive injuries to her right shoulder and thoracic spine. She sought occupational therapy sessions and injections into the right shoulder glenohumeral joint. Due to increased shoulder pain, plaintiff underwent surgery at Frisco First Surgery Center: arthroscopic repair of posterolateral labral tear; arthroscopic subacromial decompression/acromioplasty/bursectomy; arthroscopic distal clavicle resection; and arthroscopic glenohumeral joint synovectomy

An agreement has been reached to settle Ms. Galvez's lawsuit for an amount of \$125,000.00 subject to City Council approval.

The action in this Mayor and Council Communication (M&C) will amend the Fiscal Year 2022 Adopted Budget as approved in connection with Ordinance 25073-09-2021, Section 5. Internal Service Funds, as listed on page 21.

Fund / Department	FY2022 Adopted Budget	Authority	Budget Adjustment	Revised FY2022 Budget
Budget Category				
Risk Financing Fund				
Revenues				
Use of Money and Property	\$399,990.00			\$399,990.00
Other Revenue	\$22,347,389.00			\$22,347,389.00
Use of Fund Balance/Net Position	\$30,352.00	M&C 21-0965	\$1,706,710.00	\$1,737,062.00
		M&C 22-0002	\$703,673.58	\$703,673.58

		M&C 22-0344	\$2,300,000.00	\$2,300,000.00
		M&C 22-0381	\$150,000.00	\$150,000.00
		M&C 22-0382	\$120,000.00	\$120,000.00
		M&C 22-0540	\$150,000.00	\$150,000.00
		14GARZA-MORALES LAWSUIT SETTLEMENT	\$210,000.00	\$210,000.00
		This M&C	\$125,000.00	\$125,000.00
<b>Total Revenues</b>	<b>\$22,777,731.00</b>		<b>\$5,465,383.58</b>	<b>\$28,243,114.58</b>
Expenditures				
Human Resources	\$22,770,503.00	M&C 21-0965	\$1,706,710.00	\$24,477,213.00
Transfer to IT Refresh Capital	\$7,228.00			\$7,228.00
Transfer to the General Capital Fund (Paygo)	\$0.00	M&C 22-0002	\$703,673.58	\$703,673.58
	\$0.00	M&C 22-0344	\$2,300,000.00	\$2,300,000.00
Lawsuit Settlements	\$0.00	M&C 22-0381	\$150,000.00	\$150,000.00
	\$0.00	M&C 22-0382	\$120,000.00	\$120,000.00
	\$0.00	M&C 22-0540	\$150,000.00	\$150,000.00
		14GARZA-MORALES LAWSUIT SETTLEMENT	\$210,000.00	\$210,000.00
	\$0.00	This M&C	\$125,000.00	\$125,000.00
<b>Total Expenditures</b>	<b>\$22,777,731.00</b>		<b>\$5,465,383.58</b>	<b>\$28,243,114.58</b>

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 in the Net Postion within the Risk Financing Fund and upon approval of the above recommendations and adoption of the attached appropriation ordinance, funds will be available in the Risk Financing Fund. Prior to an expenditure being incurred, the Human Resources Department has the responsibility of verifying the availability of funds.

**Submitted for City Manager's Office by:** Reginald Zeno 8517

**Originating Business Unit Head:** Dianna Giordanno 7783

**Additional Information Contact:** Yolanda Fouché 2493

Expedited