

# Mayor and Council Communication

DATE: 05/24/22

M&C FILE NUMBER: M&C 22-0381

LOG NAME: 14KEYS LAWSUIT SETTLEMENT

**SUBJECT**

(ALL) Authorize Settlement of the Claims of Steven Keys Related to the Lawsuit Entitled Steven Keys and Sheri Edwards v. City of Fort Worth, No. 342-316676-20 in the 342nd District Court, Tarrant County, Texas

**RECOMMENDATION:**

It is recommended that the City Council:

1. Authorize settlement and payment in the amount of \$150,000.00 to Steven Keys and his attorney, Nicholas Coward for the full and final settlement of all claims related to the lawsuit styled Steven Keys and Sheri Edwards v. City of Fort Worth, No. 342-316676-20 in the 342nd 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 \$150,000.00 from available Net Position, for the purpose of funding Lawsuit Expenses; and
4. Amend the Fiscal Year 2022 Adopted Budget.

**DISCUSSION:**

On April 27, 2019, a City of Fort Worth Police Officer was enroute to a disturbance call. The City vehicle entered the intersection of northbound I-35 service road and East Hattie Street. The vehicle emergency lights nor sirens were activated. Mr. Keys was travelling eastbound on East Hattie with a green light and did not see the officer's vehicle. The front of Mr. Keys vehicle collided with the passenger side of the patrol vehicle.

This Mayor and Council Communication is to authorize settlement and payment in the amount of \$150,000.00 to Steven Keys and his attorneys for full and final settlement of all claims related to the lawsuit styled Steven Keys and Sheri Edwards v. City of Fort Worth, No. 342-316676-20 in the 342nd District Court, Tarrant County, Texas.

The action in this 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	M&C Authority	Budget Adjustment	Revised FY2022 Budget
Risk Financing Fund	\$0.00	\$0.00	\$0.00	\$0.00
Revenues				
Use of Money and Property	\$399,990.00		\$0.00	\$399,990.00
Other Revenue	\$22,347,389.00		\$0.00	\$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
Use of Fund Balance/Net Position	\$0.00	M&C 22-0002	\$703,673.58	\$703,673.58

Use of Fund		M&C		
Balance/Net Position	\$0.00	142021HAILSTORM	\$2,300,000.00	\$2,300,000.00

Use of Fund		This M&C		
Balance/Net Position	\$0.00		\$150,000.00	\$150,000.00

<b>Total Revenues</b>	<b>\$22,777,731.00</b>		<b>\$4,860,383.58</b>	<b>\$27,638,114.58</b>
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Expenditures

Human Resources	\$22,770,503.00	M&C 21-0965	\$1,706,710.00	\$24,477,213.00
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Transfer to Capital Fund	\$0.00	M&C 22-0002	\$703,673.58	\$703,673.58
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Transfer to Capital Fund	\$0.00	M&C 142021HAILSTORM	\$2,300,000.00	\$2,300,000.00
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Lawsuit Settlement	\$0.00	This M&C	\$150,000.00	\$150,000.00
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<b>Total Expenditures</b>	<b>\$22,777,731.00</b>		<b>\$4,860,383.58</b>	<b>\$27,638,114.58</b>
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Funding is available for appropriation from the net position of the Risk Financing Fund.

Available net position is \$35,030,378.37 and after use of net position, the available balance will be \$32,580,378.37.

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 fund balance 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:** Deirdre Mills 7403

Expedited