

# Mayor and Council Communication

DATE: 06/28/22

M&C FILE NUMBER: M&C 22-0540

LOG NAME: 14AGUILAR LAWSUIT SETTLEMENT

**SUBJECT**

(ALL) Authorize Settlement and Payment in the Amount of \$150,000.00 to Martha Aguilar and her Attorney, R. Rieker Carsey, of Anderson Injury Lawyers for Full and Final Settlement of All Claims Related to the Lawsuit Styled Martha Aguilar v. City of Fort Worth, Cause No. 141-325455-21 in the 141st District Court; Tarrant County, Texas, Adopt Attached 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 \$150,000.00 to Martha Aguilar and her attorney, R. Rieker Carsey, of Anderson Injury Lawyers for full and final settlement of all claims related to the lawsuit styled Martha Aguilar v. City of Fort Worth, Cause No. 141-325455-21; In the 141st 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.
4. Amend the Fiscal Year 2022 Adopted Budget.

**DISCUSSION:**

On November 12, 2019, a City of Fort Worth Police Officer was in pursuit of a suspect who was evading capture for failure to stop and possible possession of a stolen vehicle. The Officer had his lights and sirens activated initially, but stopped using the siren as he entered the intersection on a red light and collided with vehicle driven by Martha Aguilar.

Plaintiff Aguilar was taken to John Peter Smith Hospital via MedStar. She suffered extensive injuries to her neck, left side of her head, right side of her chest, and left wrist pain. She was later seen by various doctors for x-rays, pain and orthopedic treatments, and physical therapy.

An agreement has been reached to settle Ms. Aguilar's lawsuit for an amount of \$150,000.00 subject to City Council approval.

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**

Budget Category	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 Balance/Net Position	\$0.00	M&C 22-0344	\$2,300,000.00	\$2,300,000.00
Use of Fund Balance/Net Position	\$0.00	M&C 22-0381	\$150,000.00	\$150,000.00

Use of Fund Balance/Net Position	\$0.00 This M&C	\$150,000.00	\$150,000.00
<b>Total Revenues</b>	<b>\$22,777,731.00</b>	<b>\$5,010,383.58</b>	<b>\$27,788,114.58</b>
Expenditures:			
Human Resources	\$22,770,503.00 M&C 21-0965	\$1,706,710.00	\$24,477,213.00
Transfer to Capital Fund	\$0.00 M&C 22-0002	\$703,673.58	\$703,673.58
Transfer to Capital Fund	\$0.00 M&C 22-0344	\$2,300,000.00	\$2,300,000.00
Lawsuit Settlement	\$0.00 M&C 22-0381	\$150,000.00	\$150,000.00
Lawsuit Settlement	\$0.00 This M&C	\$150,000.00	\$150,000.00
<b>Total Expenditures</b>	<b>\$22,777,731.00</b>	<b>\$5,010,383.58</b>	<b>\$27,788,114.58</b>

Funding is available for appropriation in the fund balance/net position of the Risk Financing Fund. Available net position is \$32,803,736.25 and after use of net position, the available balance will be \$32,503,736.25.

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

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**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:** Yolanda Fouche 2493

Expedited