Office of the City Manager

CONSENT CALENDAR
November 12, 2013

To: Honorable Mayor and Members of the City Council

From: Christine Daniel, City Manager

Submitted by: Zach Cowan, City Attorney

Subject: Settlement of *Walsh v. City of Berkeley,* ACSC No. RG13 671276

RECOMMENDATION
Adopt a Resolution approving the settlement of the Alameda County Superior Court Action No. RG13 671276 entitled *Walsh v. City of Berkeley*, in the amount of $70,000.

FISCAL IMPACTS OF RECOMMENDATION
The City will spend $70,000 from the Public Liability Fund. Council approval is required for settlements exceeding $15,000. (BMC section 7.12.020.)

CURRENT SITUATION AND ITS EFFECTS
There is a pending lawsuit seeking damages.

BACKGROUND
This lawsuit arises from an accident on August 11, 2012 in which the plaintiff, Bonnie Walsh, tripped on uneven sidewalk at 2819 Benvenue and sustained serious injuries requiring surgery.

RATIONALE FOR RECOMMENDATION
The Council has already received a confidential memorandum reflecting the City Attorney's advice regarding this matter.

ALTERNATE ACTIONS CONSIDERED
These issues are discussed in the Confidential Memorandum to the Mayor and Council.

CONTACT PERSON
Zach Cowan, City Attorney, 981-6998
Matthew J. Orebic, Deputy City Attorney, 981-6998

Attachment:
1: Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE CITY ATTORNEY TO SETTLE THE PUBLIC LIABILITY LAWSUIT OF BONNIE WALSH v. CITY OF BERKELEY, ALAMEDA COUNTY SUPERIOR COURT ACTION NO. RG13 671276

WHEREAS, a public liability lawsuit has been filed in the Alameda County Superior Court, Action No. RG13 671276, against the City of Berkeley by Bonnie Walsh arising from personal injuries Bonnie Walsh sustained as a result of a trip and fall accident on an uneven sidewalk at 2819 Benvenue on August 11, 2012; and

WHEREAS, it is in the best interests of the City of Berkeley to settle this lawsuit, and a settlement figure of $70,000 has been reached by the City Attorney and plaintiff's attorney.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council authorizes the City Attorney, in accordance with Berkeley Municipal Code Section 7.12.020, to settle this matter by a payment of $70,000 from Public Liability Fund 881 1702 410 8101 to Bonnie Walsh and her attorney of record, Joel Siegal, in settlement of the above-entitled lawsuit.