

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

NUMBER: 22.

SUBJECT:

Approval of a settlement and release of claims in the matter of Jeffrey Smith vs. City of North Las Vegas.

REQUESTED BY:

Nicholas G. Vaskov, Acting City Attorney

RECOMMENDATION OR RECOMMEND MOTION:

That the City Council approve the settlement and release of claims agreement in the matter of Jeffrey Smith vs. City of North Las Vegas with the sum of \$300,000 to be paid by the City and authorize the Acting City Manager to execute any ancillary documents necessary to effectuate the settlement.

FISCAL IMPACT:

AMOUNT:

300,000.00

EXPLANATION:

Settlement sum to be funded from the Self-Insurance Fund.

ACCOUNT NUMBER:

710-120110-430440

STAFF COMMENTS AND BACKGROUND INFORMATION:

On October 26, 1999 a complaint was filed against the City, the Detention Center, individual corrections officers and the City's then Detention Center medical services provider, Correctional Medical Services (CMS), alleging civil rights violations and numerous other claims. Trial was originally scheduled for November 16, 2009. However, in September 2009 a court ordered settlement conference was held wherein the parties agreed to a preliminary settlement pending City Council approval. Under the terms of the settlement, the City will pay \$300,000 with the remaining settlement sum to be paid by CMS. Payment of the City's portion of the settlement sum will be paid from the City's Self-Insurance Fund.

In order to eliminate any potential risk of an adverse verdict and to save money on further defending this matter it is recommended that the City Council approve the proposed settlement agreement and also authorize the Acting City Manager to execute any ancillary documents necessary to effectuate the settlement.

LIST CITY COUNCIL GOAL(S): Responsible Fiscal Management

PREPARED BY:

Nicholas G. Vaskov
Acting City Attorney

Respectfully Submitted

Maryann Ustick
Acting City Manager

**CITY COUNCIL
MEETING DATE:**
2/3/2010