




Office of the City Manager

CONSENT CALENDAR
November 13, 2012

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Zach Cowan, City Attorney
Subject: Settlement: Kielich v. City of Berkeley

RECOMMENDATION

Adopt a Resolution approving the settlement of the Claim Number GHB 12856IH entitled *Kielich v. City of Berkeley*, in the amount of \$25,000.

FISCAL IMPACTS OF RECOMMENDATION

The City will spend \$25,000 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 claim seeking damages.

BACKGROUND

This lawsuit arises from personal injuries sustained as a result a handcuffing injury on June 6, 2010.

RATIONALE FOR RECOMMENDATION

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

ALTERNATIVE 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

Attachments:
1: Resolution

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

AUTHORIZING THE CITY ATTORNEY TO SETTLE THE PUBLIC LIABILITY CLAIM
OF E. RANDOLPH KIELICH V. CITY OF BERKELEY, CLAIM NO. GHB 12856IH

WHEREAS, a public liability claim has been filed, No. GHB 12856IH, against the City of Berkeley by E. Randolph Kielich arising from personal injuries E. Randolph Kielich sustained as a result of being handcuffed on June 6, 2010 after a report of a prowler in the area; and

WHEREAS, it is in the best interests of the City of Berkeley to settle this claim, and a settlement figure of \$25,000 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 City Attorney is authorized, in accordance with Berkeley Municipal Code Section 7.12.020, to settle this matter by a payment of \$25,000 from Public Liability Fund 881 1702 410 8101 to E. Randolph Kielich and his attorneys of record, Miller Washington & Kim, in settlement of the above-entitled claim.