

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 5 M

Council Meeting Date: November 21, 2023

ITEM TITLE: RESOLUTION

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *gml*

Peter Abide, City Attorney

SUMMARY EXPLANATION:

Resolution authorizing settlement of claim by Cass Woods.

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify):

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	AFR	ABST	Councilmember	Yes	No	AFR	ABST
	Lawrence	___	___	___	___	Tisdale	___	___	___	___
	Gines	___	___	___	___	Glavan	___	___	___	___
	Newman	___	___	___	___	Barrett	___	___	___	___
	Deming	___	___	___	___					

ACTION TAKEN:

PCA/slt 112123bleg

Resolution No.

RESOLUTION AUTHORIZING SETTLEMENT OF CLAIM BY CASS WOODS

WHEREAS, Cass Woods has filed a lawsuit against the City of Biloxi arising out of alleged damages sustained in April, 2020; and

WHEREAS, such claims are covered by the City's insurance; and

WHEREAS, the City Attorney did meet with the attorneys for Cass Woods at a settlement conference, and has reached a settlement, subject to approval of the governing authorities of the City, for Twenty-five Thousand Dollars (\$25,000.00) as a compromise and disputed claim and without admission of any liability, as consideration for the full and final release of all claims arising from the subject incident against the City of Biloxi and its employees; and

WHEREAS, such settlement will encompass all damages, claims, and attorney fees, and will further resolve any potential claims between the City and Cass Woods; and

WHEREAS, the City Attorney is of the opinion that such settlement is reasonable and in the best interest of the City; and

WHEREAS, in order to finalize the settlement with Cass Woods, it is necessary that the Mayor and the City's attorneys be authorized to do all things necessary to conclude this settlement including the execution and approval of any necessary settlement documents.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION ONE: The findings, conclusions and statements of fact contained in the foregoing preamble are hereby adopted, ratified, and incorporated herein.

SECTION TWO: The Mayor and City Attorney are hereby authorized to do all things necessary to finalize the settlement offer described above and to file and/or execute all necessary documents to effectuate said settlement.

SECTION THREE: Associated Adjusters Int'l is authorized to pay the total sum of Twenty-five Thousand Dollars (\$25,000.00) for the settlement from the City's reserve fund and reinsurance reserves, and forward same to the City's attorneys for resolution of this claim.

SECTION FOUR: This resolution shall take effect and be in force from and after adoption.