

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

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| SUBJECT | Claim of Ralph Halsey | TYPE AGENDA ITEM | Consent |
| DATE REQUESTED | July 7, 1998 | DATE SUBMITTED/REVISED | June 25, 1998 |
| BRIEFINGS?/WHO? | As Requested | CONSEQUENCES IF DEFERRED | Probable lawsuit |
| DEPARTMENT/DIVISION | County Attorney's Office/ Risk Management | AUTHORIZED BY TITLE | Teddy N. Williams, Jr., County Attorney <i>[Signature]</i> |
| CONTACT PERSON TELEPHONE/EXTENSION | William C. Henry, Senior Assistant County Attorney for Risk Management x3750 | PRESENTER/TITLE TELEPHONE/EXTENSION | William C. Henry, Senior Assistant County Attorney for Risk Management x3750 H 6/25/98 |

ADMINISTRATIVE APPROVAL

[Signature]

ACTION DESIRED

INDICATE WHETHER ¹REPORT or ²DISCUSSION, ³FORM OF MOTION, or ⁴OTHER ACTION REQUIRED:

Move to reject claimant's settlement demand of \$90,000, and to counter-offer \$4,000.00 plus waiver of sums owed to Manatee County.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

§768.28, Florida Statutes
Manatee County Ordinance 93-23

BACKGROUND/DISCUSSION

On May 16, 1997, inmate Ralph Halsey slipped coming out of a shower at the Manatee County jail. He claims \$90,000 for shoulder and neck injuries. He had originally demanded \$100,000. Risk Management offered \$2,500.00 which he rejected.

Slipping outside a shower is normally not compensable under Florida case law. Halsey claims loose tiles, not water, caused his fall. Causation and liability is, therefore, in question. Whether his injuries are pre-existing is also at issue.

Halsey owes the County almost \$5,000 for medical care provided and over \$2,300 in court costs, restitution and various fees.

We recommend the Board of County Commissioners reject the \$90,000 demand and make a counter-offer of \$4,000 plus a waiver of the \$7,300 noted above.

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right. (If "NO," proceed to 1) below; and if "YES," proceed to 2) below)

1) IF "NO" TO ABOVE,
A) PLEASE EXPLAIN BELOW: (see also following section 1B) re: contract, agreement, lease, etc.: **APPROVED IN OPEN SESSION**

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B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT:

2) IF "YES" TO FIRST QUESTION IN THIS SECTION,

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (If comments were verbal, so indicate.)

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| ATTACHMENTS: (List in order as attached) | INSTRUCTIONS TO BOARD RECORDS: |
| COST | SOURCE (ACCT# & NAME) |
| COMMENTS | AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT) |