

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: August 18, 2009

Action Agenda

Item No. 4-K

SUBJECT: Report of Previously Approved Settlements

DEPARTMENT: County Attorney

PUBLIC HEARING: (Y/N)

No

ATTACHMENT(S): None

INFORMATION CONTACT:

John Roberts, 245-2318

PURPOSE: To report to the Board on the outcomes of previously approved settlements of legal actions or claims.

BACKGROUND:

In re: UNC Hospitals

This pre-litigation case involved a claim by UNC Hospitals related to the medical care of a jail detainee. G.S. §153A-224 and §153A-225 require confinement facilities to pay for the cost of emergency medical care for detainees and prisoners. While confined in the Orange County Jail an inmate made claims of injuries that apparently satisfied the emergency medical care requirement. The inmate was transported to UNC Hospitals for treatment and received treatment that UNC Hospitals valued at \$3,553.67. Statutorily the Orange County Sheriff is responsible for these costs.

After negotiation with UNC Hospitals' Attorney Jacqueline Perez, a settlement agreement was reached for a total amount of \$2,842.94.

Billings and Garrett, Inc. vs. Orange County

This case involved a civil action filed against Orange County by Billings and Garrett (the Contractor), a company that was to construct a sanitary sewer line, the Orange County Sewer Outfall at Lake Hogan Farm Road, for the County. The Contractor constructed the sewer line but failed to construct it in a manner whereby it could be connected to the building for actual use. The Contractor claimed the County owed just over \$26,000 for the work completed.

After negotiation with the Contractor's attorney, Jay Wilkerson, a settlement agreement was reached for a total amount of \$21,000. The difference in the amount claimed by the Contractor and the settlement amount will more than pay for work needed to make the sewer line usable.

In re: The Claims of Paul Herbert

This pre-litigation case arose out of the Orange County Sheriff's Officers removing a temporary encampment occupied by several homeless individuals in 2007.

After former County Attorney Geof Gledhill's negotiation with Mr. Herbert, a settlement agreement was reached involving the payment of \$500 to Mr. Herbert and the adoption by the Orange County Sheriff of a policy for implementing homeless encampment cleanups.

FINANCIAL IMPACT: \$3,342.94 (\$21,000 of the settlement amount was owed for work actually performed)

RECOMMENDATION(S): The County Attorney recommends that the Board accept this report of previously approved legal settlements.