

CITY COUNCIL REPORT



Meeting Date: June 25, 2024
General Plan Element: *Provide for the orderly government and administration of the affairs of the city*
General Plan Goal: Fiscal Responsibility

ACTION

Adopt Resolution No. 13168 authorizing settlement of a portion of *Greg J. Mastroianni v. City of Scottsdale*. Consider adopting Resolution No. 13168 authorizing a settlement in the amount of \$100,000, bringing Mr. Mastroianni's lifetime disability award to a close and authorizing a credit of \$100,000 against any future disability benefit to which Mr. Mastroianni may become entitled in the event that his case is ever reopened.

BACKGROUND

Mr. Mastroianni is a former police officer for the City of Scottsdale. On May 5, 2008, while in the course and scope of his employment, he suffered a lower back injury during a physical struggle with a subject. As a result of his injuries, Mr. Mastroianni was unable to return to work as a police officer for the City and has since medically retired. Mr. Mastroianni has received medical and disability worker's compensation benefits since the inception of his injury. Mr. Mastroianni is currently receiving a lifetime Loss in Earning Capacity award of \$645.12 per month. This equates to a total exposure of \$193,536, per the life expectancy table provided by the ICA.

ANALYSIS & ASSESSMENT

The City now wishes, subject to Council approval, to settle Mr. Mastroianni's lifetime disability award for the amount of \$100,000. This type of settlement is subject to the approval of the ICA and would be funded entirely by the City of approved. The City will receive a future credit in the amount of \$100,000 towards any future total temporary disability benefits for Mr. Mastroianni.

RESOURCE IMPACTS

Available funding

Funding is available in the current Safety & Risk Management FY 23/24 Budget - Workers Compensation - Total Disability Account No. 710-01064-52471.

Staffing, Workload Impact

Approval of the proposed settlement brings this claim to a conclusion and will eliminate the need for staff resources from the Safety & Risk Management department, outside counsel, and the City Attorney's Office to be spent on this claim.

Cost Recovery Options

None

OPTIONS & STAFF RECOMMENDATION

Recommended Approach

Adopt Resolution No. 13168 and authorize the proposed settlement.

Proposed Next Steps

If the settlement is approved, outside counsel and City staff will take the steps necessary to receive the approval of the Industrial Commission of Arizona and fully execute the settlement.

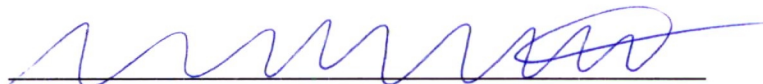
RESPONSIBLE DEPARTMENT(S)

City Attorney's Office

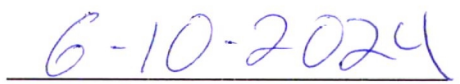
STAFF CONTACT

George Woods, Jr., Safety & Risk Management Director

APPROVED BY



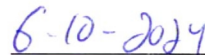
Sherry R. Scott, City Attorney
480-312-7816, SScott@scottsdaleaz.gov



Date



George Woods, Jr., Safety & Risk Management Director
480-312-7040, GWoods@scottsdaleaz.gov



Date

ATTACHMENTS

1. Resolution No. 13168

RESOLUTION NO. 13168

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING SETTLEMENT IN THE AMOUNT OF \$100,000 TO SETTLE GREG MASTROIANI V. CITY OF SCOTTSDALE, ICA CLAIM NO. 20081540352, CURRENTLY PENDING AT THE INDUSTRIAL COMMISSION OF ARIZONA.

WHEREAS, Greg Mastroianni suffered a permanent disability while serving as a Police Officer for the City of Scottsdale in 2008;

WHEREAS, Greg Mastroianni received a medical disability preventing from returning to full duty and has received worker's compensation benefits (ICA Claim No. 20081540352) providing him with a lifetime monthly loss of earning capacity award as a result of his disability

WHEREAS, the parties have agreed to settle this award for a lump sum payment to be approved by the Industrial Commission of Arizona

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the City Council authorizes the City of Scottsdale to settle this case in the amount of One-Hundred Thousand Dollars and No Cents (\$100,000.00) from funds to be paid from the City's Risk Management Operating Budget.

Section 2. That the City Council approves the settlement set forth above and authorizes and directs the City Manager, the City Treasurer, and City Attorney, and their respective staffs to execute such documents and take such other actions as are necessary to carry out the purpose of the Resolution.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of ____, 2024.

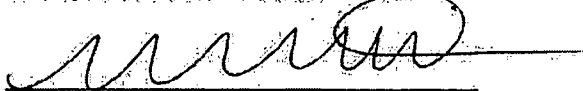
CITY OF SCOTTSDALE, an Arizona
municipal corporation

ATTEST:

David D. Ortega, Mayor

Ben Lane, City Clerk

APPROVED AS TO FORM:



Sherry R. Scott, City Attorney