

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO IMPLEMENT A SETTLEMENT WITH HERBERT HELFEN REGARDING A WORKERS' COMPENSATION CLAIM FOR ATTORNEY'S FEES AND COSTS IN AN AMOUNT NOT TO EXCEED \$5,000.00.

WHEREAS, the City has been advised by its workers' compensation attorney that there are attorney's fees and costs due to Herbert Helfen ("Claimant") for his workers' compensation claim; and

WHEREAS, this October 28, 2005 claim, which the City's third party administrator ("TPA") found to be compensable, is for multiple injuries that resulted when Claimant fell several feet to the ground from the back of a moving fire truck; and

WHEREAS, Claimant returned to light duty on August 7, 2006, and continued to work in a light duty position until his normal retirement on May 30, 2009; and

WHEREAS, on June 26, 2018, Claimant filed a Petition for Workers' Compensation Benefits requesting treatment with a "fellowship trained adult reconstructive orthopedic surgeon", which was deemed medically necessary by his authorized workers' compensation physician; and

WHEREAS, due to this very specific referral and the complex nature of Claimant's injuries, neither the TPA nor the City's workers' compensation attorney was able to locate, within 30 days as required by the State of Florida, an orthopedic surgeon with the recommended requirements willing to take on this type of case; and

WHEREAS, due to the difficulty in getting the Claimant an appointment within the 30 days, attorney's fees and costs are due and owing; and

WHEREAS, the City's workers' compensation attorney was able to resolve the fees and costs for \$5,000.00; and

WHEREAS, because the amount paid out on this claim, \$678,859.43, exceeds the City's self-insurance retention level for this date of injury (\$400,000.00), the TPA will submit for reimbursement from the excess workers' compensation carrier (SunPoint Insurance Service Corporation/SunPoint Holdings); and

WHEREAS, authorization of attorney's fees and costs would not settle Claimant's workers' compensation claim; and

WHEREAS, it is recommended that the City Commission authorize an amount not to exceed \$5,000.00 to settle the attorney's fees and costs; and

WHEREAS, funding has been identified and will be available in the Fiscal Year 2019 budget in the City's Self-Insurance Fund (Fund 58).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That the above-described settlement is approved, payable from the City's Self-insurance Fund.

Section 3: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2019.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY for the use and reliance of the City of Hollywood, Florida, only.

DOUGLAS R. GONZALES, CITY ATTORNEY