

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, APPROVING AND AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO NEGOTIATE A SETTLEMENT FOR ATTORNEY'S FEES FOR MARK MCCANN FOR A WORKERS' COMPENSATION CLAIM IN AN AMOUNT NOT TO EXCEED \$26,000.00.

WHEREAS, the City has been advised by its workers' compensation attorney, Andrew Borah, that there are attorney's fees/costs due and owing to Mark McCann (the "Claimant") for his workers' compensation claim that arose out of a stroke; and

WHEREAS, on September 25, 2015, Claimant experienced symptoms that would be diagnosed as a stroke, and because Claimant was a firefighter at the time of the diagnoses, there existed the possibility that the stroke could be compensable under Florida Statute Section 112.18, commonly referred to as the "Heart/Lung Bill"; and

WHEREAS, during the 120 day investigative period, the City felt that it had sufficient medical information to deny the claim, which it did on March 31, 2016; and

WHEREAS, the Claimant appealed the denial; and based on additional medical information gathered during Claimant's appeal, Mr. Borah advised that the City needed to accept compensability for Claimant's illness; and

WHEREAS, as a result of the foregoing, the City rescinded its denial on November 1, 2016 and stipulated to attorney's fees and costs; and

WHEREAS, Claimant worked for the City until he was granted a duty disability retirement on August 31, 2017, and he continues to receive treatment; and

WHEREAS, to date, the City has paid \$170,211.06 for this claim; and

WHEREAS, it is recommended that the City Commission authorize an amount not to exceed \$26,000.00 to resolve the fees and costs associated with the Claimant's overcoming the denial of benefits; and

WHEREAS, the foregoing amount does not settle the claim, but only settles what is currently due and owing for attorney's fees and costs; and

WHEREAS, funding has been identified and will be available in the Fiscal Year 2018 budget in the City's Self Insurance Fund (Fund 58).

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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 _____, 2018.

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