

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$100,000.00 FROM THE CITY'S SELF-INSURANCE FUND TO PAY THE COSTS ASSOCIATED WITH A LIABILITY CLAIM MADE BY TULIO FERNANDO BULA AND MONICA USECHE, OWNERS OF A HOME LOCATED AT 700 NORTH 68th AVENUE, HOLLYWOOD, FLORIDA, FOR DAMAGES CAUSED TO THE HOME AS A RESULT OF A SEWAGE BACKUP.

WHEREAS, on November 20, 2014, the City was informed that sewage had overflowed out of the drains and onto the floors of a home located at 700 North 68th Avenue (the "Home"), which is owned by Tulio Fernando Bula and Monica Useche (the "Claimants"); and

WHEREAS, the overflow does not appear to be the result of the Claimants' actions; and

WHEREAS, the overflow caused damage to the Home and the Home's contents; and

WHEREAS, as a result of the overflow, the Claimants had to leave the Home and are currently residing in a hotel, for which the City is paying; and

WHEREAS, the City's Third Party Administrator, Ascension Benefits and Insurance Solutions of Florida ("Ascension"), immediately sent Paul Davis Restoration & Remodeling to clean and mitigate any further damage to the Home, which services cost \$19,700.79; and

WHEREAS, Ascension also contracted with Paul Davis Restoration & Remodeling to restore/repair the Home for an estimated cost of \$35,470.67; and

WHEREAS, the City is estimating that the replacement costs of the Home's damaged contents and the cost of the Claimant's living expenses during the time that their Home is being repaired will be approximately \$35,000.00; and

WHEREAS, the aforementioned costs, plus an additional \$9,828.54 in possible unforeseen costs, bring the potential total cost of this claim to \$100,000.00; and

WHEREAS, in accordance with Section 41.05 (B)(3) of the City's Code, any settlement of a liability claim in excess of \$50,000.00 requires the prior approval and authorization from the City Commission; and

WHEREAS, funding has been identified and will be available in the Fiscal Year 2015 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 it hereby approves and authorizes the expenditure of an amount not to exceed \$100,000.00 from the city's self-insurance fund to pay the costs associated with a liability claim made by Tulio Fernando Bula and Monica Useche.

Section 2: That this resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this _____ day of _____, 2014.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGALITY
For the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY