

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO APPROVE THE SETTLEMENT OF A WORKERS' COMPENSATION LIEN BETWEEN THE CITY HOLLYWOOD AND PAUL INGRAM IN THE AMOUNT OF \$9,000.00.

WHEREAS, on January 2, 2014, Police Officer Paul Ingram was injured in an automobile accident while on duty; and

WHEREAS, in addition to making claims for workers' compensation benefits, Officer Ingram made claims against the parties who allegedly caused the accident; and

WHEREAS, as a result of this accident, the City has provided workers' compensation benefits to Officer Ingram in the amount of \$38,046.16, and by state law, the City has a lien in that amount against any amount recovered by Officer Ingram from his third party claim; and

WHEREAS, Officer Ingram has settled his third party claim for an amount that is less than the full amount of damages he allegedly suffered as a result of the accident; and

WHEREAS, Florida courts have ruled that, notwithstanding the technical amount of an employer's workers' compensation lien, the amount to which the employer is actually entitled is reduced proportionately if the employee settles for less than the full amount of damages he or she suffers as a result of the accident; and

WHEREAS, with respect to this accident, the City's workers' compensation attorney has negotiated a lien settlement in the amount of \$9,000.00, which he has advised is consistent with the typical settlement of a workers' compensation lien under these circumstances; and

WHEREAS, under Section 38.76 (D) (20) of the Code of Ordinances, when a City lien other than a code enforcement lien is being waived, in whole or in part, and the amount being waived exceeds \$25,000.00, City Commission approval is required; and

WHEREAS, the City Attorney recommends that the City Commission approve the negotiated settlement;

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

Section 1: That the above-described settlement of the City's lien arising out of the accident is hereby approved.

Section 2: That the appropriate City officials are hereby authorized to take all necessary steps to implement the settlement.

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

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
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.

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JEFFREY P. SHEFFEL, CITY ATTORNEY