

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 CHARLES JONES FOR A WORKERS' COMPENSATION CLAIM IN THE AMOUNT OF \$176,859.00.

WHEREAS, the City has reached a settlement with Charles Jones ("Claimant") regarding a workers' compensation claim dated March 30, 2009 ("Claim"); and

WHEREAS, on March 30, 2009, the Claimant, a former Utility Operations Analyst Trainee, sustained injuries when a 4-inch pipe ruptured, causing him to be thrown 15 feet into other equipment; and

WHEREAS, the injuries were found to be compensable; and

WHEREAS, the Claimant received treatment and worked in a light duty capacity until May 26, 2011, when the General Employee's Pension Plan Board awarded him a duty related disability; and

WHEREAS, the Claimant was accepted as permanently and totally disabled ("PTD") by the workers' compensation carrier on March 28, 2011, and has been receiving PTD payments since that date; and

WHEREAS, the value of future PTD payments is estimated to be \$266,525.62, which does not include future medical and legal costs; and

WHEREAS, petitions for benefits have been filed, and the total paid on the Claim to date is \$595,408.42; and

WHEREAS, because the amount paid out on this Claim exceeds the City's self-insurance retention level at the time of the injury (\$500,000.00), the excess carrier, Ameri Trust, has been reimbursing the City for all costs above \$500,000.00; and

WHEREAS, Ameri Trust has proposed a settlement in the amount of \$176,859.00, for which the City will be reimbursed; and

WHEREAS, the allocation of the \$176,859.00 is such that the Claimant will directly receive approximately \$165,000.00, while \$11,859.00 will be allocated for a Medicare Set Aside to consider future medical needs and prescription costs; and

WHEREAS, authorization of this settlement would resolve the Claim; and

WHEREAS, under his regular health insurance, the Claimant will not be able to treat any conditions where the Claim is the major contributing cause; and

WHEREAS, funding for the settlement is available in the Fiscal Year 2021 operating budget in account number 558.112006.51900.591930.000000.000.000.

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 a settlement agreement with Charles Jones in the amount of \$176,859.00 to resolve the Claim is approved, together with such non-material changes as may be subsequently agreed to by the City Manager and approved as to legal sufficiency by the City Attorney.

Section 3: That the appropriate City officials are authorized to take all necessary steps to implement the settlement.

Section 4: That this Resolution shall be in full force and effect immediately upon its passage and adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
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.

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DOUGLAS R. GONZALES  
CITY ATTORNEY