



Agenda Item Summary

File ID: 19-1037

PH-3

Meeting Date: 10/8/2019

PLACEMENT: Public Hearings

TITLE:

PROPOSED MARTIN COUNTY TRICO SETTLEMENT - JASON BRODIE V. MARTIN COUNTY

EXECUTIVE SUMMARY:

In accordance with the Procedure for TRICO settlements established by the Board of County Commissioners (Board), the public is provided an opportunity to comment on the proposed settlement in the case of Jason Brodie v. Martin County, Case No. 19-474-CA. The case arose from a sidewalk in Halpatiokee Park that plaintiff alleged had not been properly maintained by the County. The County is self-insured and TRICO (our insurance pool) assigned counsel to the matter. Settlement discussions occurred on this case. A proposed settlement is before the Board for public comment.

DEPARTMENT: Administration

PREPARED BY: **Name:** Carolyn Brada
Title: Risk Management Analyst

REQUESTED BY:

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

The following facts were provided from Relation Insurance Services, Martin County's (County) third party administrator for our self-insured program: Mr. Brodie was jogging on the sidewalk in Halpatiokee Park. The plaintiff alleged that the sidewalk slab was significantly raised, and Mr. Brodie tripped and fell to the ground. Mr. Brodie filed a personal injury lawsuit against Martin County.

A public hearing on this proposed settlement is required by the Procedure for TRICO Settlements adopted by the Board. Any proposed settlement of a TRICO case involving an amount in excess of \$5,000 must be considered at a public hearing prior to TRICO and the County finalizing the agreement. Following the hearing, County staff will notify the appropriate parties that the Board has completed the process required by the Procedure for TRICO Settlements, which includes a public hearing allowing for comment by any members of the public as well as comment by any member of the Board. The settlement is fully funded by TRICO.

ISSUES:

Pursuant to the Procedure for TRICO Settlements adopted by the Board, the Board is required to conduct a public hearing concerning the proposed settlement agreement.

LEGAL SUFFICIENCY REVIEW:

Attorney Garrison M. Dundas was assigned as counsel for this case and represented the County during settlement discussions. It is the recommendations of TRICO and Mr. Dundas that this settlement is in the best interests of the County.

RECOMMENDED ACTION:

RECOMMENDATION

1. Move that the Board conduct the public hearing and receive public comment on the proposed settlement by any member of the public and any member of the Board of County Commissioners.
2. Move that the Board direct staff to notify TRICO that the Settlement Procedures have been completed and the settlement should be finalized.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:

RECOMMENDATION

At the time when the County was placed on notice that there would be a possible liability claim, TRICO placed monies into a reserve for the possible settlement. The settlement amount is within the reserves that were established for this case.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution
☐ Other:

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