



## Agenda Item Summary

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**File ID:** 19-1040

**PH-4**

**Meeting Date:** 10/8/2019

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**PLACEMENT:** Public Hearings

**TITLE:**

**PROPOSED MARTIN COUNTY TRICO SETTLEMENT WITH CORA HAWTHORNE, AS PUTATIVE PERSONAL REPRESENTATIVE OF ESTATE OF NATHANIEL HAWTHORNE JR**

**EXECUTIVE SUMMARY:**

In accordance with the Procedure for TRICO Settlements established by the Board of County Commissioners (Board), the public and Board are provided with an opportunity to comment on the proposed settlement between Martin County and the Estate of Nathaniel Hawthorne (Estate). The matter arose from a vehicular accident on SR 714. The County is self-insured and TRICO (our insurance pool) assigned counsel to the matter. Settlement discussions occurred between TRICO and the Estate. A proposed settlement is before the Board for a public hearing.

**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 TRICO: Mr. Hawthorne was a passenger in a semi-tractor trailer that was driven by Travis Wiggins. They were traveling on SR 714, when Mr. Wiggins failed to negotiate a sharp curve. The tractor over turned. The Estate made a demand pursuant to Florida Statutes § 768.28 alleging the County was at fault for failing to implement or post a reduction of speed at the curve. TRICO and the Estate has agreed to settle the matter for \$200,000. The amount of the settlement will be fully funded by TRICO.

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 of the Board prior to TRICO finalizing the settlement. 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.

**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 by TRICO.

**LEGAL SUFFICIENCY REVIEW:**

Attorney Garrison M. Dundas was assigned as counsel for this case negotiated the settlement of this matter. 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:**

- |  |                                       |   |
|--|---------------------------------------|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application         | <input type="checkbox"/> Notice       | <input type="checkbox"/> Ordinance            |
|  |                                       | <input type="checkbox"/> Resolution           |

☐ Other:

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