



Agenda Item Summary

File ID: 21-0476

PH-3

Meeting Date: 3/9/2021

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING ON PROPOSED TRICO SETTLEMENT FOR ALISON WATSON V. PAPA SIERRA, LLLP D/B/A PIRATES COVE RESORT & MARINA AND MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS, MARTIN COUNTY CIRCUIT COURT CASE NO. 19-885-CA

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. The case arose from a concrete pad/slab at the end of the County boardwalk at Pirates Cove Resort & Marina that plaintiff alleged had not been properly maintained by the Pirates Cove Resort & Marina or Martin County. The County is self-insured and TRICO (our insurance pool) assigned counsel to the matter. Settlement discussions occurred on this case between all parties. 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: Ms. Watson was stepping off the end of the boardwalk at Pirates Cove Resort & Marina. The concrete slab was significantly depressed, and Ms. Watson tripped and fell. Ms. Watson filed a personal injury lawsuit against Papa Sierra, LLLP d/b/a Pirates Cove Resort & Marina and Martin County. A global settlement in the amount of \$200,000 was reached between the parties with TRICO paying \$100,000 on behalf of Martin County and Papa Sierra, LLLP D/B/A Pirates Cover Resort & Marina paying \$100,000.

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 settlement. Following the public 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. 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.

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:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

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

None

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"/> Other: | <input type="checkbox"/> Resolution | |

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