



## Agenda Item Summary

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**File ID:** 22-0054

**PH-1**

**Meeting Date:** 10/5/2021

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**PLACEMENT:** Public Hearings

**TITLE:**

**PROPOSED MARTIN COUNTY TRICO SETTLEMENT OF THE LAWSUIT LINDA ROBERTS V. MARTIN COUNTY AND STEVE'S ROOFING, INC.**

**EXECUTIVE SUMMARY:**

In accordance with the Procedures for Settlement of TRICO Cases established by the Board of County Commissioners, the public is provided an opportunity to comment on the proposed court case settlement in the case of Linda Roberts v. Martin County Board of County Commissioners and Steve's Roofing, Inc., Case No. 432017CA000670. The case arose from a sidewalk 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. The case did not get settled at mediation, but plaintiff accepted a Proposal of Settlement the County filed.

**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. Roberts was walking on the sidewalk on NE Martin Avenue in Jensen Beach. The plaintiff alleged that the sidewalk slab was cracked, and Ms. Roberts tripped and fell to the ground. Ms. Roberts filed a personal injury lawsuit against Martin County and Steve's Roofing, Inc.

A public hearing on this proposed settlement is required by the Procedures for Settlement of TRICO Cases adopted by the Board. Any proposed settlement of a TRICO court case where the County is a defendant, 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 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.

## **ISSUES:**

Pursuant to the Procedures for Settlement of TRICO Cases adopted by the Board, the Board is required to conduct a public hearing concerning the proposed settlement agreement.

## **LEGAL SUFFICIENCY REVIEW:**

Attorney James O. Williams Jr. was assigned as counsel for this case and represented the County during settlement discussions. It is the recommendations of TRICO and Mr. Williams 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 Procedures for Settlement of TRICO Cases 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.

### **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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