

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING THE CONDITIONAL SETTLEMENT AGREEMENT AND GENERAL RELEASE IN THE CASE OF STEPHEN P. PADILLA, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF HERMINIO PADILLA, JR., DECEDENT, AND OTHER NAMED PARTIES V. THE CITY OF RIVIERA BEACH, ET AL., CASE NO.: 502015CA014143XXXMB; AUTHORIZING PAYMENT IN THE AMOUNT OF \$43,368 AS SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Stephen P. Padilla, as Personal representative of the Estate of Herminio Padilla, Jr., Decedent, brought suit against the City of West Palm Beach, Palm Beach County, City of Lake Worth, City of Riviera Beach, and Town of Palm Beach; and

WHEREAS, Mr. Padilla, as the Plaintiff, alleged that his father, Herminio Padilla, Jr., was killed while performing his job duties at the East Central Regional Wastewater Treatment Facility (ECR) and alleged the City of Riviera Beach, along with the other members of the ECR and (the "Defendants"), were responsible under Florida's Wrongful Death Act; and

WHEREAS, the parties attended mediation on October 17, 2018, and agreed to a Conditional Settlement Agreement and General Release, which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the City of Riviera Beach's share of the settlement amount is \$43,368, which may increase an additional \$7,273 if a claims bill for an additional \$100,000 is passed by the Legislature; and,

WHEREAS, the City finds approving the Conditional Settlement Agreement and General Release and authorizing payment of the City's share is in the best interests of the City and serves a valid public purpose.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. That settlement in the matter of *Stephen P. Padilla, As Personal Representative of the Estate of Herminio Padilla v. City of Riviera Beach, Case No. 502015CA014143XXXMB* is hereby approved in the amount of \$43,368, which includes attorney's fees and costs, and which may increase an additional \$7,273 if a claims bill for an additional \$100,000 is passed by the Legislature.

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SECTION 2. That the City approves the Conditional Settlement Agreement and General Release and authorizes payment in accordance with the same.

SECTION 3. That this resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED and APPROVED this _____ day of November, 2018.

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APPROVED:

THOMAS A. MASTERS
MAYOR

TONYA DAVIS JOHNSON
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

LYNNE L. HUBBARD
CHAIR PRO TEM

KASHAMBA MILLER-ANDERSON
COUNCILPERSON

JULIA A. BOTEL
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

MOTIONED BY: _____

SECONDED BY: _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

J. BOTEL _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

ANDREW DEGRAFFENREIDT, CITY ATTORNEY

DATE: _____