

RESOLUTION NUMBER 74-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF A CLAIM FOR ATTORNEY'S FEES AND COSTS IN THE WORKER'S COMPENSATION CASE OF ROBERT AYLSWORTH V. THE CITY OF RIVIERA BEACH AND GALLAGHER BASSETT SERVICES, OJCC CASE NO.: 09-007096GJJ; AUTHORIZING GALLAGHER BASSETT SERVICES TO MAKE PAYMENT IN THE AMOUNT OF \$33,005.21 AS FULL AND COMPLETE SETTLEMENT OF ATTORNEY'S FEES AND COSTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Robert Aylsworth ("Claimant") made a workers' compensation claim on February 5, 2019, for mold exposure, while employed with the City of Riviera Beach ("City") against the City, as Employer, and Gallagher Bassett Services ("GB"), as Carrier, and;

WHEREAS, on August 23, 2019, the City and GB stipulated to compensability of a specific medical condition and agreed to provide worker's compensation benefits for that specific condition for so long as the industrial accident remains the major contributing cause of the need for medical treatment, and;

WHEREAS, the parties have reached an agreement over the claim of attorney's fees and costs for a total sum of \$33,005.21, subject to City Council approval; and

WHEREAS, upon the City Council's approval of this settlement, the Court's Order approving a joint stipulation and the City's payment thereof, all claims for attorney's fees and costs from the Claimant against the City and GB through August 3, 2020, shall be dismissed with prejudice; and

WHEREAS, it is in the best interests of the City to settle this claim for attorney's fees and costs.

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 of the claim for attorney's fees and costs in the matter of *Robert Aylsworth v. City of Riviera Beach and Gallagher Bassett Services, OJCC Case No. 09-007096GJJ* is hereby approved in the total amount of \$33,055.21.

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SECTION 2. That Gallagher Bassett Services, Inc., is authorized to make payment on behalf of the City, after receiving appropriate releases from the Claimant.

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

PASSED and APPROVED this _____ day of September, 2020.

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APPROVED:

**RONNIE L. FELDER
MAYOR**

**JULIA A. BOTEL, Ed.D
CHAIRPERSON**

ATTEST:

**CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK**

**DOUGLAS A. LAWSON
CHAIR PRO TEM**

**TRADRICK MCCOY
COUNCILPERSON**

**KASHAMBA MILLER-ANDERSON
COUNCILPERSON**

**SHIRLEY D. LANIER
COUNCILPERSON**

MOTIONED BY: _____

REVIEWED AS TO LEGAL SUFFICIENCY

SECONDED BY: _____

DAWN S. WYNN, CITY ATTORNEY

T. MCCOY: _____

K. MILLER-ANDERSON: _____

S. LANIER: _____

J. BOTEL: _____

D. LAWSON: _____

Date