



"The Best Waterfront City in Which to Live, Work and Play."

CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: DAWN S. WYNN, CITY ATTORNEY

SUBJECT: **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT IN THE CASE OF JERMAINE MYLES V. THE CITY OF RIVIERA BEACH AND TERRANCE S. GOLDWIRE, CASE NO.: 502019CA001312XXXXXMB; AUTHORIZING GALLAGHER BASSETT TO MAKE PAYMENT IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) AS FULL AND FINAL SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.**

DATE: APRIL 21, 2021

CC: GENERAL PUBLIC

Background:

On January 31, 2019, Jermaine Myles (hereinafter “Plaintiff”) filed a lawsuit in the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida, Case No. 502019CA001312XXXXXMB, against the City of Riviera Beach and Terrance S. Goldwire, former City employee, for personal injuries he sustained in a motor vehicle incident in Riviera Beach, Palm Beach County, Florida.

According to the lawsuit, on or about October 13, 2017, the Plaintiff alleged that the City’s Parks and Recreation employee, Goldwire, was negligent in the operation of his motor vehicle when a piece of unsecured debris fell from a City owned vehicle operated by Goldwire



while in the course and scope of his employment.

Plaintiff alleged that the debris caused the Plaintiff to be injured.

Counsel for the Plaintiff and counsel for the City negotiated and mediated this matter on November 16, 2020, and thereafter. Counsel for the City, Risk Management and representatives of Gallagher Bassett concur that settlement in the amount of Fifty Thousand Dollars (\$50,00.00), inclusive of all attorneys' fees and costs, is in the City's best interest, subject to City Council approval.

Citywide Goal:

To provide quality, timely, cost-efficient, professional legal services and advice to support the goals and objectives of the City Council, the City Manager, and the City departments, and to advocate and defend the interests of the City within the bounds of the law.

Budget/Fiscal Impact:

\$50,000.00. This payment was provided for in the budget for Risk Management, City Budget Fiscal Year 2021, Page No.333. Payment of this settlement should not have any significant impact on the City's budget.

Recommendation(s):

The Office of the City Attorney recommends it is in the best interests of the City to settle this case.

Attachment(s):

1. Resolution Number 38-21

