

## **RESOLUTION 25-60**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA APPROVING THE SETTLEMENT OF ALL CLAIMS MADE BY JAMES JAY; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, JAMES JAY (“JAY”) was previously employed by the City of Marco Island (“City”) as a firefighter; and

**WHEREAS**, on January 11, 2020, JAY was injured in the course of his duties with the City (referred to as the “Accident”), and thereafter sought workers compensation benefits pursuant to Chapter 440, Florida Statutes; and

**WHEREAS**, since 2020, the City, through its third-party insurance administrators, has provided certain workers compensation benefits to JAY stemming from the workers compensation Accident; and

**WHEREAS**, JAY has filed various petitions for workers compensation benefits in the proceedings styled James Jay vs. City of Marco Island, OJCC Case No. 21-025122FJC pending in the State of Florida, Division of Administrative Hearings, Ft. Myers District; and

**WHEREAS**, JAY’s petitions sought various benefits including past and future permanent total disability benefits plus attorney’s fees and costs. JAY has alleged that the potential value of past and future permanent total disability benefits is in excess of \$1,000,000; and

**WHEREAS**, at the time of the Accident, the City’s first layer of workers compensation insurance was insured with Preferred Governmental Insurance Trust (“PGIT”), subject to a \$350,000 self-insured retention limit. The PGIT policy is an indemnity type policy which reimburses the City after benefits are paid. At the time of this settlement, the City’s self-insured retention has already been exhausted and PGIT has previously reimbursed the City previous benefits provided to JAY in excess of the self-insured retention. PGIT has advised it will indemnify (reimburse) the City the full amount of the settlement referenced herein; and

**WHEREAS**, JAY, the City and PGIT, now desire to compromise all claims for past, present and future workers compensation indemnity benefits only arising from the Accident on a global lump-sum basis; and

**WHEREAS**, JAY is willing to resolve all claims for past, present and future workers compensation indemnity benefits (leaving medical benefits open) for the total amount of \$407,850 ("Settlement Amount") inclusive of attorney's fees and costs; and

**WHEREAS**, PGIT has agreed to indemnify the City for the entire settlement amount of \$407,850.00.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, THAT:**

**Section 1. Recitals Adopted.** The above-mentioned recitals are hereby adopted, confirmed and incorporated herein.

**Section 2. Settlement Agreement Approved.** The City Council approves the settlement of all workers compensation indemnity claims that were or could have been asserted by JAY which arise or relate to the Accident, inclusive of costs and attorney's fees for the Settlement Amount.

**Section 3. Implementation.** The Interim City Manager is authorized to execute all documents and agreements, in a form approved by the City Attorney, necessary to implement the intent of this Resolution and to provide for payment of the Settlement Amount.

**Section 4. Effective Date.** This Resolution shall become effective immediately upon the adoption hereof.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, THIS 8<sup>th</sup> DAY OF DECEMBER, 2025.**

**ATTEST:**

**CITY OF MARCO ISLAND, FLORIDA**

\_\_\_\_\_  
Joan Taylor, City Clerk

By: \_\_\_\_\_  
Darrin Palumbo, Chairman

Approved as to form and legal sufficiency:

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Alan L. Gabriel, City Attorney