

Temp. Reso. No. 7713
8/11/22

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY
OF MIRAMAR, FLORIDA, APPROVING A SETTLEMENT
AGREEMENT IN THE CASE OF JOSHUA PEREZ VS. CITY
OF MIRAMAR; AUTHORIZING THE CITY MANAGER TO
TAKE NECESSARY ACTION; AND PROVIDING FOR AN
EFFECTIVE DATE.**

WHEREAS, Claimant Joshua Perez, initiated an administrative Worker's Compensation Claim against the City of Miramar in the State of Florida, Office of the Judges of Compensation Claims, Case Number 20-009311DAL (the "Claim"); and

WHEREAS, the parties have agreed to settle the Claimant's Worker's Compensation Claim based on the statutory Heart and Lung Presumption for the diagnosed condition of cardiomyopathy that occurred on March 14, 2019; and

WHEREAS, neither party admits liability in this matter, however, in an effort to resolve the pending controversy, all parties desire to amicably and expeditiously resolve all claims and avoid continued litigation; and

WHEREAS, The City Commission hereby accepts the recommendation of the City's Risk Management Department to settle this matter consistent with the Agreement, set forth as Exhibit "A"; and

WHEREAS, the parties desire to enter into a Settlement Agreement with the intended purpose of resolving all claims as set forth in Exhibit "A".

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**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF
MIRAMAR, FLORIDA AS FOLLOWS:**

Section 1. Adoption of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

Section 2. Approval of Settlement Agreement.

The City Commission of the City of Miramar hereby approves the settlement agreement between the Claimant, Joshua Perez, and the City of Miramar, consistent with the Agreement attached hereto as Exhibit “A”; and further authorizes the City Manager to take all necessary action consistent with this Resolution.

Section 3. Effective Date. This Resolution shall be effective immediately upon adoption hereof.

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PASSED AND ADOPTED this _____ day of _____, _____.

Mayor, Wayne M. Messam

Vice Mayor, Yvette Colbourne

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this RESOLUTION as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

Requested by Administration

Commissioner Winston F. Barnes
Commissioner Maxwell B. Chambers
Vice Mayor Yvette Colbourne
Commissioner Alexandra P. Davis
Mayor Wayne M. Messam

Voted

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