



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-0181

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: February 4, 2014

TITLE: MOTION - Motion to Approve Settlement of Workers' Compensation File
#WC-04-11945 (William McGarry) - \$489,622

Recommendation

Staff recommends settlement of this workers' compensation claim in the amount of \$489,622 to William McGarry.

Background

William McGarry was working as a Police Officer on September 26th, 2004 when he was accidentally shot by his partner while responding to a domestic disturbance call. Mr. McGarry has been receiving medical care and Permanent Total Disability (PTD) payments from the City since the date of his injury, and the City has paid \$2,084,326 in benefits to date. The City's workers' compensation excess insurance carrier has been reimbursing the City for these expenses since reaching the \$1,000,000 policy retention level.

A structured settlement totaling \$489,622 was reached with Mr. McGarry and the City's excess insurance carrier, pending final approval of the City Commission. The settlement will be dispersed as follows: \$45,150 in statutory fees will be paid to Mr. McGarry's attorney; \$144,472 will fund the annuity to pay for Mr. McGarry's future medical care through a Medicare Set Aside (MSA) trust fund that is required by the Centers for Medicare & Medicaid Services (CMS); and \$300,000 will be paid to Mr. McGarry for the settlement of all future PTD lost wages and supplemental benefits.

The excess insurance carrier will be reimbursing the City for the \$489,622 settlement, since the City has exceeded the policy retention level.

Resource Impact

There is no fiscal impact to the City. The \$489,622 will be reimbursed to the City by the insurance carrier.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Internal Support Cylinder of Excellence**, specifically advancing:

- **Goal 12:** Be a leading government organization, managing our resources wisely and sustainably.
- **Objective 1:** Ensure sound fiscal management.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are United*.

Prepared by: Kathleen Thorpe, Workers' Compensation Claims Representative

Department Director: Averill Dorsett, Director of Human Resources