

RESOLUTION NO. 2019- _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE SETTLEMENT OF ALL CLAIMS OF ROY MCKINNEY; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on or about November 7, 2014, Roy McKinney (“McKinney”) filed a lawsuit styled *Roy McKinney v. Miami Dade County, Florida and Village of Key Biscayne* in the Circuit Court of Miami-Dade County, Florida under case number 2014-028615-CA-01 (08), seeking damages allegedly related to an incident on June 11, 2013 (“Lawsuit”); and

WHEREAS, McKinney is willing to settle all of his claims that were or could have been brought against the Village pertaining to the Lawsuit, including all costs and attorney’s fees incurred in this matter, and release the Village of any liability, in exchange for a lump-sum payment of \$20,000, which will be paid by the Village’s insurer (“Settlement Offer”); and

WHEREAS, although the Village disputes the merits of the Lawsuit, the Village Council desires to accept the Settlement Offer, thereby disposing of all claims against the Village by McKinney, and authorize the Village Manager and Village Attorney to prepare and execute all settlement documents and any related releases consistent with the terms of the Settlement Offer; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. **Approval.** That the Village Council approves the settlement of all claims that were or could have been asserted by McKinney as a result of the alleged incident on June 11, 2013, including costs and attorney's fees, for \$20,000, which will be paid by the Village's insurer.

Section 3. **Authorization.** That the Village Council authorizes the Village Manager and the Village Attorney to prepare and execute all settlement documents and any related releases consistent with the terms of the Settlement Offer and the intent of this Resolution.

Section 4. **Effective Date.** That this Resolution shall be effective immediately upon adoption hereof.

PASSED and ADOPTED this _____ day of _____, 2019.

MICHAEL W. DAVEY, MAYOR

ATTEST:

JENNIFER MEDINA, CMC
VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY