

RESOLUTION NO. 17-1466

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING AND RATIFYING THE TERMS AND CONDITIONS OF A SETTLEMENT AGREEMENT PERTAINING TO THE FOLLOWING MATTER TOWN OF MIAMI LAKES vs. PREFERRED GOVERNMENTAL INSURANCE TRUST (CASE NO. 2016-04682-CA-01); AND PROVIDING FOR AUTHORIZATION; PROVIDING FOR EXECUTION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 20, 2015, the former mayor, Michael Pizzi, Jr. filed a Complaint against the Town of Miami Lakes (the “Town”) for reimbursement of alleged attorney’s fees and costs incurred and arising out of federal criminal charges (“Criminal Matter”); and

WHEREAS, on August 20, 2015, former Mayor Michael Pizzi, Jr. filed a Complaint against the Town for reimbursement of alleged attorney’s fees and costs incurred and arising out of his lawsuit against the Town for reinstatement as mayor (“Reinstatement Matter”); and

WHEREAS, the Town is insured by Preferred Governmental Insurance Trust (“Preferred”); and

WHEREAS, Preferred denied the Town’s coverage claim for the Criminal Matter and Reinstatement Matter.

WHEREAS, on December 22, 2015, the Town and the former mayor, Michael Pizzi, Jr. reached a settlement agreement regarding the Reinstatement Matter; and

WHEREAS, of this date the Criminal Matter remains pending between the former mayor, Michael Pizzi, Jr. and the Town; and

WHEREAS, the Town believes that Preferred breached the terms of its coverage agreement with the Town by failing to provide the Town with defense; and

WHEREAS, due to Preferred’s failure to provide coverage, the Town filed a law suit against Preferred in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida (Case No. 2016-04682 CA 01) (“Coverage Lawsuit”); and

WHEREAS, for valuable consideration, the Town and Preferred have agreed to settle the Coverage Lawsuit pending in Circuit Court; and

WHEREAS, the Town seeks to avoid the expense, delay, and uncertainty of continued litigation and wishes to resolve the under the terms of a Settlement Agreement, attached hereto as Exhibit “A” (the “Settlement Agreement”); and

WHEREAS, the Town Council desires to approve and ratify the Settlement Agreement;
and

WHEREAS, the Town Council finds that settlement of the Coverage Lawsuit Lawsuit is
in the best interest of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF MIAMI LAKES, FLORIDA AS FOLLOWS:**

Section 1. Recitals. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Approval and Ratification. The Settlement Agreement attached hereto as Exhibit
“A” is hereby approved and ratified.

Section 3. Authorization. The Town Manager, the Town Attorney, are authorized to take all
actions necessary to implement the terms and conditions of the Settlement Agreement.

Section 4. Execution. The Town Manager is authorized to execute the Settlement Agreement
and any required agreements and/or documents to implement the terms and conditions of the
Settlement Agreement on behalf of the Town, subject to approval by the Town Attorney as to
form, content, and legality.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

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PASSED AND ADOPTED this 25th day of July, 2017.

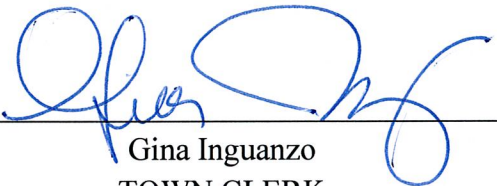
The foregoing Resolution was moved for adoption by Vice Mayor Lama and seconded by Councilmember Daubert upon being put to a vote, the vote was as follows:

Mayor Manny Cid	<u>yes</u>
Vice Mayor Tony Lama	<u>yes</u>
Councilmember Luis Collazo	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Ceasar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>



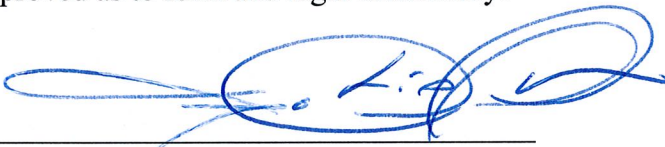
Manny Cid
MAYOR

Attest:



Gina Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

EXHIBIT A