



# Broward County

## Legislation Details (With Text)

|                       |  |                      |           |                    |                 |
|-----------------------|--|----------------------|-----------|--------------------|-----------------|
| <b>File #:</b>        | 20-903   | <b>Version:</b>      | 1         | <b>Status:</b>     | Agenda Ready    |
|                       |  |                      |           | <b>In control:</b> | County Attorney |
| <b>On agenda:</b>     | 5/19/2020  | <b>Final action:</b> | 5/19/2020 |                    |                 |
| <b>Title:</b>         | MOTION TO AUTHORIZE Office of the County Attorney to commence litigation and take all actions related thereto it deems appropriate against Illinois Union Insurance Company to recover the cost of removal and disposal of asbestos-contaminated soil from the Trails End Yard site. |                      |           |                    |                 |
| <b>Sponsors:</b>      |  |                      |           |                    |                 |
| <b>Indexes:</b>       |  |                      |           |                    |                 |
| <b>Code sections:</b> |  |                      |           |                    |                 |
| <b>Attachments:</b>   |  |                      |           |                    |                 |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Broward County Commission Regular Meeting

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO AUTHORIZE Office of the County Attorney to commence litigation and take all actions related thereto it deems appropriate against Illinois Union Insurance Company to recover the cost of removal and disposal of asbestos-contaminated soil from the Trails End Yard site.

#### Why Action is Necessary

Board approval is required for the Office of the County Attorney to file this proposed lawsuit.

#### What Action Accomplishes

Approves the commencement of litigation against the insurer.

#### Is this Action Goal Related

No

#### Previous Action Taken

#### Summary Explanation/Background

In 2014, Tutor Perini Fort Lauderdale Hollywood Venture ("TPFLHV") performed work on the Terminal 4 Apron Project ("Apron") which included the demolition and removal of the existing concrete apron and other unsuitable material from the site. TPFLHV transported some of these materials off-site to Trails End Yard site ("TEY") to be sorted and reused.

Around the end of 2014 or early 2015, it was determined that asbestos originating from the apron was present in the materials placed at TEY and had been commingled with other materials. Using an Emergency Quotation, the County disposed of the contaminated materials, incurring costs of over \$4,000,000.

The County had an environmental insurance policy (Policy # G24880163 001), issued by Illinois Union Insurance Company ("Insurer"), in place during the relevant time period. While the County has contractual remedies available against TPFLHV, not all of the costs may be recoverable under the contract. Accordingly, the County submitted an insurance claim (Claim # JY15J0063756) to the Insurer requesting coverage for these costs. The Insurer has taken the position that it is responsible for only a portion of the claim.

This item would authorize the County Attorney to initiate litigation against the Insurer to seek to recover these costs.

#### **Source of Additional Information**

Alexander J. Williams, Jr., Senior Assistant County Attorney, 954-359-6100

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

All legal work will be performed by the Office of the County Attorney. Litigation costs (filing fees, deposition costs, expert fees, etc.) are currently estimated at \$50,000. The litigation costs will be funded by the Aviation Department and sought as part of the recovery.