



City of Hallandale Beach City Commission Agenda Cover Memo

Meeting Date:	Item Type:		1 st Reading	2 nd Reading
12/2/2020	<input checked="" type="checkbox"/> Resolution	Ordinance Reading	N/A	N/A
File No.:	<input type="checkbox"/> Ordinance	Public Hearing	<input type="checkbox"/>	<input type="checkbox"/>
20-485	<input type="checkbox"/> Other	Advertising Required	<input type="checkbox"/>	<input type="checkbox"/>
		Quasi Judicial:	<input type="checkbox"/>	<input type="checkbox"/>
Fiscal Impact (\$):	Account Balance (\$):	Funding Source:	Project Number :	
\$250,000	N/A	570 1810 545030	N/A	
Contract/P.O. Required	RFP/RFQ/Bid Number:	Sponsor Name:	Department:	
<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A	City Attorney	Office of the City Attorney	
Strategic Plan Focus Areas:				
<input checked="" type="checkbox"/> Financial	<input type="checkbox"/> Organizational Capacity	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Development, Redevelopment and Economic Development	
Implementation Timeline				
Estimated Start Date: 12/2/2020 Estimated End Date: 1/31/2021				

SHORT TITLE:

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AUTHORIZING AN OFFER OF JUDGMENT IN THE MATTER OF V. LYNN WHITFIELD V. CITY OF HALLANDALE BEACH, ET AL IN CASE NO: CACE 19- CV-60926 AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO ENTER INTO SETTLEMENT, IN EXCHANGE FOR THE EXECUTION OF THE APPROPRIATE RELEASE; AND PROVIDING AN EFFECTIVE DATE.

STAFF SUMMARY:

SUMMARY:

Requesting authorization for an offer of judgment.

BACKGROUND:

Ms. V. Lynn Whitfield has filed suit against the City of Hallandale Beach, and city officials in their individual capacity, resulting from her termination as City Attorney in 2016. The City Commission was fully briefed on this matter during executive session in accordance with Florida law. Pursuant to Rule 68, Federal Rules of Civil Procedure, the City may make an offer to allow judgment upon specified terms, but the offer itself must be binding on the maker if accepted and, therefore, approval of the offer is required. (City sometimes will make offers in state court conditional upon commission approval, but that would not be sufficient in this matter.)

The City Attorney requests authorization to make an offer of judgment, subject to specified terms, in the amount of two hundred and fifty thousand (\$250,000.00) dollars in the matter of V. Lynn Whitfield v. City of Hallandale Beach, et al. A draft of the proposed offer is attached as Exhibit A and the proposed release as Exhibit B. The City Manager and City Attorney further request authorization to enter into settlement in exchange for the execution of the appropriate releases.

As with all offers, the settlement offer contemplated herein is the compromise of a doubtful and disputed claim, and any offer of payment made is not to be construed as an admission of liability on the part of second parties. The City denies liability and intends merely to avoid litigation and buy its peace.

WHY ACTION IS NECESSARY:

Pursuant to Section 24-3 (d), of the City of Hallandale Beach, Code of Ordinances, proposed settlements in excess of \$20,000.00 shall be submitted to the city commission for its decision. This settlement exceeds the authority amount given to the City Manager, and City Attorney to settle claims, which require City Commission for approval.

FISCAL IMPACT:

\$250,000.00

PROPOSED ACTION:

Consideration of the attached resolution.

ATTACHMENT(S):

Exhibit 1 – Resolution
Exhibit A- Proposed Offer of Judgment
Exhibit B- Proposed Release