

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2009-49**

A RESOLUTION, WITH ATTACHMENT, OF THE CITY COMMISSION OF CORAL GABLES REJECTING THE PROPOSAL FOR A SETTLEMENT AGREEMENT, THAT WAS PROFFERED BY COUNSEL REPRESENTING MARGARET PASS, IN THE MATTER INVOLVING HER TERMINATION OF EMPLOYMENT AS THE CITY'S DIRECTOR OF THE BUILDING AND ZONING DEPARTMENT.

**BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** That the City Commission does hereby reject the aforementioned proposal for settlement in the matter involving the termination of employment of Margaret Pass.

**SECTION 2.** That this resolution shall become effective immediately upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FOURTH DAY OF FEBRUARY, A.D., 2009.

(Moved: Cabrera / Seconded: Anderson)

(Yeas: Anderson, Cabrera, Kerdyk, Withers, Slesnick)

(Unanimous: 5-0 Vote)

(Non-Agenda Item: I-1.1)

APPROVED:

  
DONALD D. SLESNICK II  
MAYOR

ATTEST:

  
WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
ELIZABETH M. HERNANDEZ  
CITY ATTORNEY

# MEMORANDUM

To: Elizabeth M. Hernandez, Esquire  
City Attorney, City of Coral Gables

From: James C. Crosland, Esquire  
Bryant Miller Olive

Date: February 24, 2009

Re: Margaret Pass

---

As you know, Ms. Pass has appealed her termination as the City's Director of Building & Zoning to the City's Trial Board. The Trial Board hearing is scheduled for March 23 and 25, 2009. The City and Ms. Pass have attended mediation in an attempt to settle this matter. To settle this matter, Ms. Pass wants the following:

- The sum of \$275,000.00. \$150,000.00 would be payable within fifteen (15) days of the effective date of any settlement agreement. \$62,500.00 will be payable no later than January 31, 2010. Another \$62,500.00 would be payable no later than January 31, 2011. All payments are subject to the usual deductions for employee withholding and taxes.
- Withdrawal of the disciplinary letters dated September 7, 2007, and October 24, 2007, issued by David Brown, which shall be considered null and void and shall be so documented. The City will confirm that PASS retired in October 2007.

In exchange, Ms. Pass will provide the City will a full waiver and release of all claims and she will dismiss the action pending in front of the Trial Board.

Although the final wording has not been established, other provisions of the Agreement will include, but are not limited to:

- A waiver by the City of all civil claims against Pass;
- Pass' agreement that she will not discuss the settlement;
- A no re-employment provision;
- A mutual non-disparagement clause;
- A neutral reference provision;
- A 21-day consideration period and 7-day revocation period; and,

- Provisions for dealing with enforcement of the Agreement or a breach of the Agreement.

We request that the City Commission consider the terms of this settlement and either approve or reject the same.