

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2010-60

RESOLUTION ACCEPTING PROPOSED SETTLEMENT AND GENERAL RELEASE REGARDING DANILO BENEDIT, FOR THE PURPOSE OF SETTLING ANY AND ALL CLAIMS MADE BY BENEDIT, INCLUDING, BUT NOT LIMITED TO, A LAWSUIT FILED IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, CASE 08-23558-SEITZ, INCLUDING FIRST AMENDMENT CLAIMS AND FLORIDA'S PUBLIC SECTOR WHISTLEBLOWERS ACT.

WHEREAS, Mr. Benedit filed a lawsuit in the United States District Court for the Southern District of Florida, Case No. 08-23558-Seitz, alleging that he was retaliated against for engaging in activity protected by the United States Constitution and Florida's Public Sector Whistle-blowers Act, Florida Statutes § 112.3187, et al, among other claims; and

WHEREAS, The City denies all allegations made by Mr. Benedit, and both parties prefer to avoid the uncertainties and expense of further litigation and desire to settle all claims;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption herein.

SECTION 2. That the City Commission does hereby accept the recommendation of the City Attorney and the City's Outside Counsel and hereby approves the above stipulated settlement agreement between Danilo Benedit and the City of Coral Gables. Of the amounts approved for settlement, approximately \$40,000.00 to \$45,000.00 shall be the funded by the City's insurance fund.

SECTION 3. That this resolution shall become effective upon the date of its passage and adoption.

PASSED AND ADOPTED THIS TWENTY-THIRD DAY OF MARCH, A.D., 2010.

(Moved: Withers / Seconded: Kerdyk)

(Yea: Kerdyk, Withers, Anderson)

(Majority (3-2) Vote

(Nays: Cabrera, Slesnick)

(Agenda Item: I-4)

APPROVED:


DONALD D. SLESNICK II
MAYOR


APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


ELIZABETH M. HERNANDEZ
CITY ATTORNEY

ATTEST:

WALTER J. FOEMAN
CITY CLERK