

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

Entered into the
Public Record during
the City of Coral Gables
Commission meeting
of 2/24/09,
in connection with
Agenda Item I-11.

WALTER J. FOEMAN
City Clerk

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.