

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2319.13

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING SETTLEMENT OF ADMINISTRATIVE ACTION BROUGHT BY FORMER POLICE OFFICER ANGEL ORTIZ.

WHEREAS, on August 12, 2010, former Town police officer Angel Ortiz filed a charge of discrimination with the Miami-Dade County Commission on Human Rights ("MDCCHR") alleging that, during his employment with the Town, the Town discriminated and retaliated against him; and

WHEREAS, on July 5, 2012, the MDCCHR issued a Statement of Determination in which it found that the Town did not engage in discriminatory or retaliatory actions towards Mr. Ortiz; and

WHEREAS, on or about September 28, 2012, Mr. Ortiz filed an appeal (the "Appeal") with the MDCCHR challenging the MDCCHR's finding that the Town did not discriminate or retaliate against him; and

WHEREAS, the Town and Mr. Ortiz (the "Parties") recognize that the resolution of their differences in a manner favorable to their respective interests cannot be reasonably predicted and that continued litigation and/or administrative action to resolve these differences will require the expenditure of significant funds and resources by the Parties; and

WHEREAS, the Parties hereto prefer to enter into a compromise in order to avoid the uncertainties and expense of further proceedings and have in fact reached a tentative settlement of the Appeal;

WHEREAS, in furtherance of the tentative settlement, the attorney representing the Town in the Appeal, Jeffrey L. Hochman, has prepared relevant settlement documentation including a General Release, No Lien Affidavit, Indemnification Agreement and No Contact Agreement (Exhibit "A"), which Mr. Ortiz has executed, and a Stipulation for Dismissal with Prejudice (Exhibit "B"); and

WHEREAS Commission approval is necessary for effectuation of the tentative settlement between the Parties, including the authorization for Mr. Hochman to counter-sign the Stipulation for Dismissal with Prejudice.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF GOLDEN BEACH, FLORIDA, THAT:

Section 1. Recitals. The foregoing "**Whereas**" clauses are hereby ratified and confirmed by the Town Commission, and incorporated herein.

Section 2. Settlement Authorization. The Town Council of the Town of Golden Beach, Florida, hereby authorizes the settlement of the Appeal as follows: (1) The Town Manager is authorized to issue a settlement check in the amount of \$2,500 to Mr. Ortiz in full and complete settlement of the Appeal; and (2) Mr. Hochman is authorized to counter-sign the Stipulation of Dismissal with Prejudice and undertake such additional efforts as may be relevant and necessary to settle the Appeal.

Section 3. Severability. If any clause, section, or other part of this Resolution shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Resolution.

Section 4. Conflict. All Resolutions or parts of Resolutions in conflict herewith

are hereby repealed to the extent of such conflict.

Section 5. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

Sponsored by the **Town Administration.**

The Motion to adopt the foregoing resolution was offered by Vice Mayor Lusskin, seconded by Councilmember Bernstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Amy Isackson-Rojas	<u>Absent</u>
Councilmember Bernard Einstein	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 18th day of September, 2013.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY