

RESOLUTION NO. 1778.06

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT AND GENERAL RELEASE ("AGREEMENT") BETWEEN THE TOWN AND JEFFREY KAPLAN TO SETTLE CERTAIN CLAIMS AND TO AVOID FURTHER COURT AND ADMINISTRATIVE PROCEEDINGS; AUTHORIZING THE TOWN MAYOR TO EXECUTE THE AGREEMENT; PROVIDING FOR IMPLEMENTATION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jeffrey Kaplan is currently employed as a Police Officer for the Town of Golden Beach Police Department; and

WHEREAS, on December 23, 2004, F. Scott Fistel, Esq., on behalf of Mr. Kaplan filed a lawsuit against the Town of Golden Beach ("Town") in the Circuit Court of Miami-Dade County under the Florida Whistleblower Statutes, 04-27040-CA-30 ("Lawsuit"); and

WHEREAS, the Town conducted Internal Affairs Cases IA#2005-03 and IA#2005-04 against Mr. Kaplan; and

WHEREAS, the Town sustained certain allegations against Mr. Kaplan and as a result Mr. Kaplan was demoted from corporal to police officer and suspended without pay for five (5) days; and

WHEREAS, Mr. Kaplan has requested, as is his right to do under the collective bargaining agreement ("CBA"), to arbitrate his demotion and appeal his suspension to the Town's Personnel Appeals Board; and

WHEREAS, both the Town and Mr. Kaplan recognize that the resolution of the above-referenced matters in a manner favorable to their respective interests cannot be reasonably predicted and that further court and administrative action will require the expenditure of significant funds and

resources; and

WHEREAS, the Town desires to enter into a Settlement Agreement and General Release ("Agreement") with Mr. Kaplan to settle these and other claims between the Town and Mr. Kaplan and to avoid further court and administrative proceedings; and

WHEREAS, the Town Council finds that approval of the Agreement is in the best interest of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. **Agreement Approved.** That the Agreement, in substantially the form attached hereto, between the Town and Mr. Kaplan is hereby approved, and the Mayor is hereby authorized to execute the Agreement, on behalf of the Town.

Section 3. **Implementation.** That the Mayor and Town Manager are authorized to take any and all action which is necessary to implement this Resolution and the Agreement.

Section 4. **Effective Date.** That this Resolution shall be effective immediately upon adoption.

The Motion to adopt the foregoing Resolution was offered by Council Member Lusskin, seconded by Council Member Iglesias and on roll call the following vote ensued:

Mayor Singer	<u>Aye</u>
Vice Mayor Einstein	<u>Aye</u>
Councilmember Colella-Battista	<u>Aye</u>
Councilmember Iglesias	<u>Nay</u>
Councilmember Lusskin	<u>Aye</u>

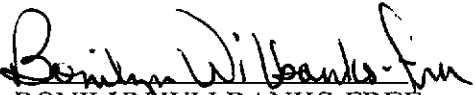
Resolution No. **1778.06**

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida,
this 21ST day of March, 2006.

ATTEST:



MAYOR GLENN SINGER



BONILYN WILBANKS-FREE
TOWN MANAGER

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



TOWN ATTORNEY

Resolution No. 1778.06