



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#23-0912

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Greg Chavarria, City Manager

DATE: October 3, 2023

TITLE: Motion Authorizing Settlement of Labor Relations Claim in *Kimberly Maus, Luan Malushi, Richard Fortunato, and Francisco Vetancourt v. City of Fort Lauderdale*, Case No. 22-61889-Civ-Altman - \$130,939 - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission approve the settlement of the labor relations claim in *Kimberly Maus, Luan Malushi, Richard Fortunato, and Francisco Vetancourt v. City of Fort Lauderdale*, Case No. 22-61889-Civ-Altman, in the aggregate amount of \$130,939 by paying \$19,203.89 to Kimberly Maus, \$15,000 to Luan Malushi, \$15,000 to Richard Fortunato, \$16,734.88 to Francisco Vetancourt, and \$65,000 to Tonja Haddad, P.A., Trust Account.

Background

Kimberly Maus, Luan Malushi, Richard Fortunato, and Francisco Vetancourt are employees who filed a claim for discrimination, and then litigation against the City on September 22, 2022, under § 760.10, Florida Statutes, and Title VII of the Civil Rights Act, seeking claims for emotional distress, compensatory damages, and attorney's fees.

Staff and defense counsel's evaluation of the potential financial exposure to the City determined that a settlement would provide the most cost-effective outcome. Through negotiations, a settlement was reached in the amount of \$130,939, subject to the approval of the City Commission.

The settlement amount of \$130,939 will be distributed in the amounts of \$19,203.89 to Kimberly Maus, \$15,000 to Luan Malushi, \$15,000 to Richard Fortunato, and \$16,734.88 to Francisco Vetancourt for damages, and \$65,000 to Tonja Haddad, P.A., Trust Account for attorney's fees and costs.

Resource Impact

There will be a fiscal impact to the City in the amount of \$130,939.

| <i>Funds available as of October 3, 2023</i> | | | |
|--|-------------------------------|---|------------------|
| ACCOUNT NUMBER | COST CENTER NAME (Program) | CHARACTER/ ACCOUNT NAME | AMOUNT |
| 10-543-9050-519-50- 5116 | Self-Insurance Claims | Non-Operating Expenses/Labor Relations Claims | \$130,939 |
| TOTAL AMOUNT ► | | | \$130,939 |

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2024* Strategic Plan, specifically advancing:

- The Internal Support Focus Area
- Goal 8: Build a leading government organization that manages all resources wisely and sustainably.
- Objective: Maintain financial integrity through sound budgeting practices, prudent fiscal management, cost effective operations, and long-term planning.

This item advances the *Fast Forward Fort Lauderdale 2035* Vision Plan: We Are United.

This item supports the *Advance Fort Lauderdale 2040* Comprehensive Plan, specifically advancing:

- The Internal Support Focus Area
- Implementation Element
- Goal 1: The Fort Lauderdale Comprehensive Plan shall accomplish the City's *Fast Forward Fort Lauderdale 2035* Vision Plan regarding the City's future growth and the six Cylinders of Excellence and shall be the City's primary policy document to guide all of its activities and development.

Prepared by: Matthew Cobb, Assistant Risk Manager, Human Resources

Department Director: Jerome Post, Human Resources