



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#24-0943

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

FROM: Susan Grant, Acting City Manager

DATE: October 1, 2024

TITLE: Motion Authorizing Settlement of General Liability Claim in *Mark Messina, et al. v. City of Fort Lauderdale*, Case No. 0:21-cv-60168-RKA - \$360,000 - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission approve the settlement of the general liability claim in *Mark Messina, et al. v. City of Fort Lauderdale*, Case No. 0:21-cv-60168-RKA, by paying the amount of \$360,000.

Background

This claim involves First Amendment challenges to the City's prior panhandling ordinances. The Court ruled in January 2024 that portions of those panhandling ordinances were unconstitutional, which entitles the plaintiffs' attorneys to an award of fees and costs. Mediation on this claim occurred on August 22, 2024, and was subsequently discussed at an executive closed-door session on September 17, 2024.

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 \$360,000, subject to the approval of the City Commission.

Resource Impact

There will be a fiscal impact to the City in the amount of \$360,000.

<i>Funds available as of October 1, 2024</i>			
ACCOUNT NUMBER	COST CENTER NAME (Program)	CHARACTER/ACCOUNT NAME	AMOUNT
10-543-9050-519-50-5113	Self-Insurance Claims	Non-Operating Expenses/General Liability Claims	\$360,000
TOTAL AMOUNT ►			\$360,000

Strategic Connections

This item supports the *Press Play Fort Lauderdale 2029 Strategic Plan*, specifically advancing:

- Guiding Principles, Fiscal Responsibility

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