



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING

#23-1203

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

FROM: Greg Chavarria, City Manager

DATE: December 19, 2023

TITLE: Motion Authorizing Payment of Attorney Fees and Non-Taxable Costs in
Fort Lauderdale Food Not Bombs, et al., v. City of Fort Lauderdale, United
States District Court for the Southern District of Florida Case No. 15-60185-
civ-AMC; United States Court of Appeals for the Eleventh Circuit No. 23-
10173 - \$638,196 - **(Commission Districts 1, 2, 3 and 4)**

Recommendation

Staff recommends the City Commission authorize payment of attorney fees and non-taxable costs in *Fort Lauderdale Food Not Bombs, et al., v. City of Fort Lauderdale*, Case No. 15-60185-civ-AMC, United States Court of Appeals for the Eleventh Circuit No. 23-10173, by paying the amount of \$638,196 to Southern Legal Counsel, Inc., to satisfy the award of attorneys' fees, non-taxable costs, and interest to the plaintiffs.

Background

The City was sued in the United States District Court for the Southern District of Florida by Fort Lauderdale Food Not Bombs and four other plaintiffs related to enforcement of a City Ordinance on social services and food distribution from November 2014. The District Court awarded attorney's fees and non-taxable costs to the Plaintiffs in the amount of \$603,039 in December 2022, which the Plaintiffs appealed to the United States Court of Appeals for the Eleventh Circuit.

The Court of Appeals issued a Mandate confirming the award of attorneys' fees and non-taxable costs in the amount of \$603,039, and interest from December 2022 at a rate of 5.38% per annum for a total of \$638,196. Based upon the Mandate, defense counsel recommends that the City issue payment to satisfy the award of attorneys' fees, non-taxable costs, and interest.

Resource Impact

There will be a fiscal impact to the City in the amount of \$638,196.

<i>Funds available as of November 9, 2023</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	\$638,196
TOTAL AMOUNT ►			\$638,196

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