



**CITY OF FORT LAUDERDALE**  
**City Commission Agenda Memo**  
**CONFERENCE MEETING**

**#21-0592**

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

**FROM:** Alain E. Boileau, City Attorney

**DATE:** June 1, 2021

**TITLE:** Discussion Regarding Request by the U.S. Department of Justice to  
Dissolve Remaining Portion of 1980 Consent Decree - (Commission  
Districts 1, 2, 3 and 4)

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The United States Department of Justice (DOJ), on behalf of the Plaintiff, United States of America, has requested the City of Fort Lauderdale join in a motion to dissolve and vacate the remaining portion of a Consent Decree ("Decree") which resolved the United States' lawsuit filed in 1980 alleging that the City had unlawfully discriminated against black and female applicants in the hiring and promotion of firefighters and police officers. Similarly, in 2008, the U.S. District Court granted the DOJ's and the City's joint motion to dissolve the Decree as it related to black applicants in the Police Department and female applicants in both the Police and Fire Departments, based on what the DOJ has represented as the City's "significantly increased representation in the workforce." Exhibit 1, at 1. The portion of the Decree which remains in effect today relates only to the employment of black applicants in the City's Fire Department.

In its draft Memorandum in Support of Parties' Joint Motion to Dissolve Consent Decree (Exhibit 1), and in which the DOJ has requested the City to join, the DOJ represents and agrees that the City "is in substantial compliance with the Decree and has achieved its central objective of eliminating the vestiges of employment discrimination in the Fire Department that existed when the United States brought this lawsuit" in 1980. Exhibit 1, at 1-2. The DOJ further states that the City's "substantial compliance is reflected in substantial increases in black representation throughout its sworn workforce, and that the termination of the 41-year-old Decree is now appropriate." Exhibit 1, at 2.

According to the DOJ, "[s]ince 1980, the Fire Department has seen substantial increases in the number of black employees in both entry-level and promotional sworn positions comparable to the increases in black employment in Police Department that supported dissolution of the Decree as to that agency in 2008." Exhibit 1, at 3. For example:

In 1980, just five (1.8%) of the Department's 265 firefighters were black. But, in 2020, 39 (9.6%) of its 415 firefighters were black, a 522% increase in the black percentage of the sworn workforce over the 1980 level. In entry-level sworn

positions, the number of black employees increased from four (3.9%) of 101 in 1980 to 21 (10.6%) of 198 in 2020, while the number of blacks employees in promotional sworn positions increased from one among 164 in 1980 to 18 (8.3%) of 217 in 2020.

Also noteworthy, since 1980, the City has promoted two black employees to the position of Fire Chief, the Department's highest position. Together, their service as Fire Chief spanned a ten-year period: Otis Latin (from 1997 to 2006), the City's first black Fire Chief, and Gerald Simon (from 2006 to 2007). The Fire Chief, who is selected by the City Manager, has final authority over all hiring and promotions within the Department.

Exhibit 1, at 4.

The DOJ is also of the opinion that the City "has been fully compliant with its obligations" and:

Since the issuance of the 1980 Decree, the United States has had no compliance disputes with the City, as reflected in the court docket. To the contrary, the City has consistently responded in a full and timely manner to the United States' requests for information relating to its compliance with the Decree, including about hiring and promotion of black applicants for firefighter positions and the racial composition of its sworn workforce. The significant increases in black employment over the 1980 levels is testament to the City's compliance with the Decree's provisions.

With regard to its recruitment obligations under the Decree, the City has proactively recruited black applicants for firefighter jobs through various outreach activities. These efforts include its Survival Methods and Rescue Techniques (SMART) classes on what it takes to become a firefighter. These classes are held at recreational facilities in neighborhoods with high percentages of black residents, providing guidance on completing job applications, preparing for interviews, making a good appearance, and being the kind of candidate the Fire Department is looking for. SMART classes are advertised on radio stations whose audiences include high percentages of black listeners. In other outreach, the Fire Department participates in Career Days at area high schools and has formed relationships with area colleges and training facilities, where some of its firefighters work as instructors, to promote community awareness of job opportunities at the Department.

Exhibit 1, at 5-6.

For the foregoing reasons, and consistent with the partial dissolution in 2008, the DOJ is requesting the City jointly seek the dissolution of the remaining portion of the Consent Decree which pertains to the employment of black applicants in the City's Fire Department.

Notwithstanding the foregoing, the City has initiated a recruitment process to ensure that all candidates, once recruited and hired, are provided the greatest opportunity for success. There must be a positive example set by Fire and City Administration that will have a trickledown effect that conveys the relevance and importance of a diverse workforce.

Vital to the success of any recruitment program is the emphasis placed upon proper and adequate funding, planning and organization. Recruiters must identify the current makeup of the workforce, define the target groups, identify strategies and resources, and prepare job announcements. Recruitment team members should be made up of incumbent employees from diverse backgrounds to identify with the targeted audience and candidates in the community.

The City Manager commits to continuing diversity recruitment efforts. If we agree to support this joint motion to dissolve the consent decree, it is our intent to bring forward a recruitment plan and strategy that will continue to fulfill the spirit of the consent decree where we voluntarily hold ourselves accountable to the highest of recruitment standards.

#### **Resource Impact**

There is no fiscal impact associated with this action.

#### **Attachments**

Exhibit 1 – Draft Memorandum in Support of Parties' Joint Motion to Dissolve Consent Decree

Exhibit 2 – Consent Decree

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