

RESOLUTION NO. 14-1202

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING AND AUTHORIZING THE PROPOSED SETTLEMENT AGREEMENT IN THE MATTER OF CITIZENS AWARENESS FOUNDATION, INC. VERSUS TOWN OF MIAMI LAKES, WHICH IS PENDING BEFORE THE CIRCUIT COURT IN AND FOR MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SETTLEMENT DOCUMENTS; AUTHORIZING THE TOWN MANAGER TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a proposed Settlement Agreement in the matter of *Citizens Awareness Foundation, Inc. v. Town of Miami Lakes*, case number 14-3076-CA-01, which is pending before the Circuit Court in and for Miami-Dade County, Florida, (the "Matter") has been presented by the Plaintiff, Citizens Awareness Foundation, Inc., for consideration and acceptance by the Defendant, Town of Miami Lakes; and

WHEREAS, the Town Council of the Town of Miami Lakes, Florida finds that settlement of the Matter is in the best interest of the Town of Miami Lakes;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Approval of Settlement. The proposed Settlement Agreement in the matter of *Citizens Awareness Foundation, Inc. v. Town of Miami Lakes (Miami-Dade Circuit Court case number 14-3076-CA-01)*, a copy of which is attached as Exhibit "A," is approved.

Section 3. Authorization of Town Officials. The Town Manager is authorized to accept and execute the Settlement Agreement attached hereto as Exhibit "A" and any other document concerning this matter on behalf of the Town, subject to the approval of the Town Attorney as to form and legality. The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Settlement Agreement.

Section 4. Authorization of Fund Expenditure. The Town Manager is authorized to expend funds to implement the terms and conditions of the Settlement Agreement attached hereto as Exhibit "A."

Section 5. Execution of Agreement. The Town Manager is authorized to execute the Settlement Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Settlement Agreement and to execute any non-material extensions and/or amendments to the Settlement Agreement, subject to the approval as to form and legality by the Town Attorney.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption.

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Passed and adopted this 8th day of April, 2014.

The foregoing resolution was offered by Nelson Rodriguez who moved its adoption. The motion was seconded by Cesar Mestre and upon being put to a vote, the vote was as follows:

Mayor Wayne Slaton	<u>yes</u>
Vice Mayor Manny Cid	<u>yes</u>
Councilmember Tim Daubert	<u>yes</u>
Councilmember Tony Lama	<u>yes</u>
Councilmember Cesar Mestre	<u>yes</u>
Councilmember Frank Mingo	<u>yes</u>
Councilmember Nelson Rodriguez	<u>yes</u>

Wayne Slaton
Wayne Slaton
MAYOR

Attest:

M. Tejada
Marjorie Tejada
TOWN CLERK

Approved as to form and legal sufficiency:

Raul Gastesi, Jr.
Raul Gastesi, Jr.
Gastesi & Associates, P.A.
TOWN ATTORNEY

**COMPLETE RELEASE
AGREEMENT**

WHEREAS, Citizens Awareness Foundation, Inc. ("CAFI"), has agreed to resolve all claims or potential claims arising out of CAFI's request for public records made pursuant to Florida's Public Records Act to the Town of Miami Lakes ("Town") on January 27, 2014 including but not limited to such claims asserted in the action pending in the Eleventh Judicial Circuit in and for Miami-Dade County, Florida styled *Citizens Awareness Foundation, Inc. v. Town of Miami Lakes*; Case No. 2014-3076-CA-01 (the "Action");

THEREFORE, the parties agree as follow:

1. CAFI may inspect at the Town's offices of 6601 Main St, Miami Lakes, FL 33014, nonexempt public records during normal business hours which are 8:30 a.m. to 5:00 p.m.
2. Town shall pay \$2,000 towards CAFI's attorneys' fees.
3. Town shall provide onsite training to all employees that work for the Town who create or handle public records in the performance of their duties.
4. The payments called for in paragraph 2 above shall be made within 5 days of the execution of this agreement.
5. The training called for in paragraph 3 above shall be completed within 45 days of the execution of this agreement. Failure to provide remedial training as set forth in herein shall constitute a material breach of this agreement.
6. CAFI shall within 5 days of receipt of the payments called for by this agreement, dismiss the Action by filing a notice of voluntary dismissal with prejudice.

7. CAFI does hereby fully release and discharge, the Town, and its respective insurers, employees, agents, apparent agents, servants, representatives, assigns, affiliates, entities, and any other persons or legal entities charged or chargeable with responsibility for Town (collectively, the "Releasees"), of and from any and every claim, demand, condition, injury or cause of action, known or unknown, which arose out of CAFI's request made pursuant to the Florida Public Records Act on January 27, 2014 that is the subject of the Action for or on account of any claim of any nature whatsoever, including claims arising from or related to those included or which could have been included in the Action.

8. All parties will bear their own fees and costs except as provided in this agreement.

9. This Release is not executed by CAFI in reliance upon any statement or representation made by any person employed by or representing any of the Releasees; the consideration referred to in this Release is accepted by CAFI in full compromise and settlement, and in full satisfaction of any and every claim, damage, condition, demand or cause of action, including all claims, damages, conditions, injuries, demands or causes of action, which may hereafter become known, develop or accrue, as well as those already known, developed or accrued as a result of CAFI's request made pursuant to the Florida Public Records Act on January 27, 2014 that is the subject of the Action.

10. This Release and settlement is made to avoid the uncertainty and expense of litigation and is not to be considered as an admission of liability, all liability being expressly denied by the Releasees.

11. The undersigned have read the foregoing and fully understand its terms, conditions and provisions and have had a full opportunity to review this agreement with their attorneys.

EXECUTED this 15 day of April, 2014.

CITIZENS AWARENESS FOUNDATION

By: [Signature]

Its: President

THE O'BOYLE LAW FIRM, P.C.

By: [Signature]
Giovanni Mesa, Esq.

Attorneys for Citizens Awareness Foundation

TOWN OF MIAMI LAKES

By: [Signature]

Its: Town Manager

GASTESI & ASSOCIATES, P.A.

By: [Signature]
Raul Gastesi, Esq.

Attorneys for Town of Miami Lakes