

RESOLUTION 12-994

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, TO APPROVE THE TERMS AND CONDITIONS OF THE PROPOSED STIPULATION FOR SETTLEMENT TO RESOLVE THE FEDERAL LAWSUIT FILED BY THE ASSOCIATION FOR DISABLED AMERICANS, INC., AND ALAN RIGERMAN VS. THE TOWN OF MIAMI LAKES; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE SETTLEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on April 19, 2011, the Association for Disabled Americans, Inc. and Alan Rigerman (“Plaintiff”) filed a lawsuit against the Town of Miami Lakes (“Town”), under Title II of the Americans with Disabilities Act of 1990, Case No: 1:11-cv-21377-DLG in the United States District Court for the Southern District of Florida; and

WHEREAS, many of the subject properties at the time the lawsuit was filed were not owned by the Town, but were subsequently transferred to the Town in June 2011; and

WHEREAS, the parties have agreed in principle to the proposed settlement after a thorough inspection of the Town’s facilities and programs, subject to the Town Council approval; and

WHEREAS, the proposed settlement (Exhibit “A”), outlines the Town’s efforts to implement various remedial measures in order to ensure compliance with Title II of the ADA; and

WHEREAS, the Town Council desires to approve the terms and conditions of the proposed Settlement, as substantially outlined in Exhibit “A”.

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

Section 1. Recitals. The above recitals are true and correct and incorporated into this resolution by this reference.

Section 2. Approval of Settlement Agreement. The proposed settlement agreement between the Association for Disabled Americans, Inc. and Alan Rigerman and the Town of Miami Lakes, as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved, in substantially the form attached hereto as Exhibit "A".

Section 3. Authorization of Town Officials. The Town Manager and Town Attorney are authorized to take all steps necessary to implement the terms and conditions of the proposed Settlement Agreement.

Section 4. Authorization of Fund Expenditure. The Town Manager is authorized to expend budgeted funds to implement the terms and conditions of the Settlement Agreement.

Section 5. Execution of the Settlement Agreement. The Town Manager is authorized to execute the proposed Settlement Agreement on behalf of the Town.

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

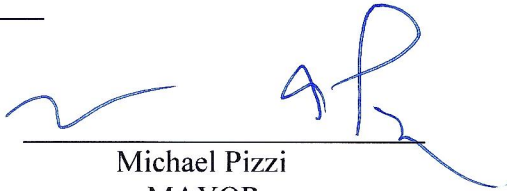
PASSED AND ADOPTED this 12 day of June, 2012.

Motion to adopt by Michael Pizzi, second by Nelson Hernandez.

Resolution 12- 094


FINAL VOTE AT ADOPTION

Mayor Michael Pizzi	<u>YES</u>
Vice-Mayor Ceasar Mestre	<u>YES</u>
Councilmember Mary Collins	<u>NO</u>
Councilmember Tim Daubert	<u>YES</u>
Councilmember Nelson Hernandez	<u>YES</u>
Councilmember Nick Perdomo	<u>absent</u>
Councilmember Richard Pulido	<u>YES</u>



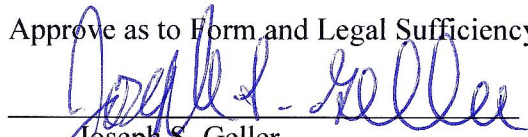
Michael Pizzi
MAYOR

Attest:



Marjorie Tejada
TOWN CLERK

Approve as to Form and Legal Sufficiency



Joseph S. Geller
GREENSPOON, MARDER, P.A.
TOWN ATTORNEY