

STAFF REPORT REGULAR MEETING

AGENDA DATE: February 7, 2023

DEPARTMENT: City Attorney

TITLE:

Proposed settlement of Civil Rights lawsuit with Craig Kersh, Roy Kersh, Michael Fields, and J.R. Soares

SUMMARY:

This is a request to settle a Civil Rights lawsuit filed by Craig Kersh, Roy Kersh, Michael Fields, and J.R. Soares in the USDC Southern District of Florida, Case No. 9:22-cv-80951, on June 29, 2022, for alleged violation of their First Amendment Rights. If approved, a general release will be executed in favor of the city.

BACKGROUND AND JUSTIFICATION:

On June 29, 2022, the City was sued by Craig Kersh, Roy Kersh, Michael Fields, and J.R. Soares, in USDC Southern District of Florida, Case No. 9:22-cv-80951. The lawsuit alleged that their First Amendment Rights were violated by being arrested multiple times for panhandling.

Both Federal and Florida Courts have consistently been striking down these types of ordinances as unconstitutional. The resolution of this case is for less than it would cost the City to continue litigating. Outside counsel (Ben Bedard) and the City Attorney (Glen Torcivia) attended mediation and recommend approving this \$75,000 settlement.

The settlement payment(s) fall within your deductible/ self-insured retention and will be issued by our office. As the settlement and costs currently are not in excess of your \$100k retention, the insurance portion of your policy will not be applied.

MOTION:

Move to approve/disapprove settlement with Craig Kersh, Roy Kersh, Michael Fields, and J.R. Soares for \$75,000 (inclusive of attorney's fees and costs).

ATTACHMENT(S):

Fiscal Impact Analysis

FISCAL IMPACT ANALYSIS

Five Year Summary of Fiscal Impact:

Fiscal Years	2023	2024	2025	2026	2027
Inflows					
Program Income	0	0	0	0	0
Grants	0	0	0	0	0
In Kind	0	0	0	0	0
Outflows					
Operating	\$75,000	0	0	0	0
Capital	0	0	0	0	0
Net Fiscal Impact	(\$75,000)	0	0	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

New Appropriation Fiscal Impact:		
	Revenue Source	Expenditure
Department		
Division		
GL Description		
GL Account Number		
Project Number		
Requested Funds		

Budget Transfer Impact		
	Revenue Source	Expenditure
Department		
Division		
GL Description		
GL Account Number		
Project Number		
Requested Funds		

Contract Award - Existing Appropriation	
	Expenditure
Department	
Division	
GL Description	Self-Insurance Fund
GL Account Number	520-1331-513.45-60
Project Number	
Requested Funds	