

RESOLUTION NO. 2016-

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT IN THE ACTION STYLED JOSE MARTI v. VILLAGE OF KEY BISCAYNE; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jose Marti (“Marti”) has been employed by the Village of Key Biscayne (“Village”) since 1993, and is currently assigned as Fire Captain in the Village’s Fire Department; and

WHEREAS, Marti, on or about January 8, 2015, Village Fire Captain Jose Marti filed a complaint against the Village in the Circuit Court of the 11th Judicial Circuit in and for Miami-Dade County, Florida, styled Jose Marti v. Village of Key Biscayne, Case No. 15-404-CA-01 (“Lawsuit”), alleging age and national origin discrimination and retaliation in violation of Title VII and the ADEA;

WHEREAS, the Village has denied Marti’s allegations; that he was discriminated and retaliated against; and

WHEREAS, Marti and the Village desire to compromise all claims asserted in the Lawsuit, including, but not limited to, all employment claims alleged therein or which could have been asserted in the lawsuit (collectively referred to herein as the “Claims”), on a global lump-sum basis; and

WHEREAS, Marti is willing to sign a Settlement Agreement and General Release (attached hereto as Exhibit “1”) extinguishing any and all Claims including, but not limited to, his employment discrimination and retaliation claims and all past and present claims related to his employment with the Village, together with any costs and/or attorney’s fees, in exchange for payment of \$135,000.00; and

WHEREAS, although the Village does not believe that it discriminated or retaliated against Marti or that it took any unlawful action against Marti or was in any manner responsible for Marti's purported damages, the Village Council desires to approve the \$135,000.00 settlement and to sign the Settlement Agreement and General Release (attached hereto as Exhibit "1"), thereby disposing of all Claims that were or could have been asserted against the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA AS FOLLOWS:

Section 1. That the foregoing "**WHEREAS**" clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2. That it approves the settlement of all Claims that were or could have been asserted by Jose Marti in the Lawsuit, inclusive of costs and attorney's fees, for \$135,000.00, as set forth in the attached Settlement Agreement and General Release (Exhibit "1").

Section 3. That the appropriate Village officials are authorized to execute all documents deemed necessary by the Village Attorney to implement the intent of this Resolution and to provide for payment as indicated.

Section 4. That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 28th day of June, 2016.

MAYOR MAYRA PEÑA LINDSAY

ATTEST:

CONCHITA H. ALVAREZ, MMC, VILLAGE CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

VILLAGE ATTORNEY