



CITY OF RIVIERA BEACH – MEMORANDUM

TO: HON. MAYOR, CHAIRPERSON AND CITY COUNCIL

THROUGH: JONATHAN EVANS, CITY MANAGER, MPA, MBA, ICMA-CM

FROM: DAWN S. WYNN, CITY ATTORNEY

SUBJECT: **RESOLUTION TO SETTLE CLAIM NO. 000160-008119-EP-01,
DR. JULIA BOTEL V. CITY OF RIVIERA BEACH**

DATE: NOVEMBER 17, 2021

CC: GENERAL PUBLIC

On or about May 19, 2021, the City received a Notice of Claim on behalf of Dr. Julia A. Botel (hereinafter “Claimant”) and against the City of Riviera Beach for damages she sustained as a result of the City Clerk’s negligence during the run up to the March 9, 2021 municipal election in and for the City of Riviera Beach, Palm Beach County, Florida.

Prior to the March 9, 2021 municipal election qualifying period, the Claimant alleged that the City Clerk was negligent in distributing an outdated form to qualify for reelection, an action the City Clerk took while in the course and scope of her employment.

Based solely on the outdated form, Claimant had to defend two separate lawsuits (*Spiritis v. Botel*, et al., Case No. 50-2020-CA-013882; *Searcy v. Botel*, 50-2020-CA-014568) and thereby incurred legal fees and costs totaling Twelve Thousand One Hundred Seventy Nine Dollars and Forty Cents (\$12,179.40).

The City is not insured for this type of claim which precipitated counsel for the Claimant and counsel for the City to negotiate this matter and come to a settlement.

Counsel for the City and Risk Management concur that settlement in the amount of Twelve



Thousand One Hundred and Seventy Nine Dollars Forty Cents (\$12,179.40), inclusive of all attorneys' fees and costs, is in the City's best interest, subject to City Council approval.

Citywide Goal:

To provide quality, timely, cost-efficient, professional legal services and advice to support the goals and objectives of the City Council, the City Manager, and the City departments; and to advocate and defend the interests of the City within the bounds of the law.

Budget/Fiscal Impact:

Claim Loss Fund, Account No. 150215102-545000 GL

Recommendation(s):

The Office of the City Attorney recommends it is in the best interests of the City to settle this claim.

Attachment(s):

1. Settlement Agreement and Release.