

RESOLUTION NO. 114-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AUTHORIZING SETTLEMENT OF CLAIM NO. 000160-008119-EP-01, DR. JULIA BOTEL V. THE CITY OF RIVIERA BEACH; AUTHORIZING THE CITY TO MAKE PAYMENT IN THE AMOUNT OF TWELVE THOUSAND ONE HUNDRED SEVENTY NINE DOLLARS AND FORTY CENTS (\$12,179.40) AS FULL AND FINAL SETTLEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 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; and

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2021 municipal election qualifying period, the Claimant alleged that the City Clerk was negligent in distributing an outdated form to qualify for reelection, an action the City Clerk took while in the course and scope of her employment; and

WHEREAS, based solely on the outdated form, Claimant had to defend two separate lawsuits (*Spiritis v. Botel*, et al., Case No. 50-2020-CA-013882; *Searcy v. Botel*, 50-2020-CA-014568) and thereby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); and

WHEREAS, 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; and

WHEREAS, counsel for the City and Risk Management concur that settlement in the amount of Twelve Thousand One Hundred Seventy Nine Dollars and Forty Cents (\$12,179.40), inclusive of all attorneys’ fees and costs, is in the City’s best interest, subject to City Council approval.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

SECTION 1. That settlement in the matter of Julia A. Botel v. The City of Riviera Beach, Claim No.: 000160-008119-EP-01 is hereby approved in the total amount of \$12,179.40, inclusive of attorney’s fees and costs.

SECTION 2. That the City’s Finance Director is authorized to make payment on behalf of the City after receiving the appropriate releases from Julia A. Botel.

SECTION 3. That this Resolution shall take effect immediately upon its passage and approval by the City Council.

PASSED and APPROVED this _____ day of NOVEMBER, 2021.

APPROVED:

RONNIE L. FELDER
MAYOR

SHIRLEY D. LANIER,
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KA SHAMBA MILLER-ANDERSON
CHAIR PRO TEM

TRADRICK MCCOY
COUNCILPERSON

JULIA A. BOTEL, Ed.D
COUNCILPERSON

DOUGLAS A. LAWSON
COUNCILPERSON

MOTIONED BY: _____

REVIEWED AS TO LEGAL SUFFICIENCY

SECONDED BY: _____

T. MCCOY: _____

DAWN S. WYNN, CITY ATTORNEY

K. MILLER-ANDERSON: _____

S. LANIER: _____

J. BOTEL: _____

D. LAWSON: _____