



Board of County Commissioners

2401 SE Monterey Road
Stuart, Florida 34996

Agenda Item Summary

File ID: 18-0533

PH-3

Meeting Date: 7/10/2018

PLACEMENT: Public Hearings

TITLE:

PROPOSED MARTIN COUNTY SETTLEMENT - JUAN CARLOS GIL V. MARTIN COUNTY, CASE NO. 2:18-CV-14110

EXECUTIVE SUMMARY:

In accordance with the procedure established by the Board of County Commissioners (the "Board"), the public is provided an opportunity to comment on the proposed settlement in the case of Juan Carlos Gil v. Martin County, United States District Court for the Southern District of Florida, Case No. 2:18-cv-14110. This case arose out of Mr. Gil's claim that the County's website violates federal law because the blind or visually impaired cannot access documents on the website. The County is self-insured and TRICO (our insurance pool) assigned counsel to the matter. A proposed settlement is before the Board for consideration.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** David Arthur
Title: Senior Assistant County Attorney

REQUESTED BY:

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Mr. Gil is legally blind, and he alleges he could not access documents on the County's website using screen reader software used by blind or visually-impaired individuals. He further alleges his inability to access the website's documents constitutes discrimination against disabled persons in violation of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

A public hearing on this proposed settlement is required by the Settlement Procedures previously adopted by the Board. Any proposed settlement of a discrimination claim or other matter in excess of \$5,000 must be considered at a public hearing prior to finalizing the agreement. If the Board approves, following the hearing, County staff will finalize the agreement.

ISSUES:

Whether the Board should approve the settlement agreement.

LEGAL SUFFICIENCY REVIEW:

Attorney John F. Dickinson of Constangy, Brooks, Smith & Prophete LLP was assigned as counsel for this case and represented the County. David Arthur, Senior Assistant County Attorney, is co-counsel on this case. It is the recommendation of Mr. Dickinson and Mr. Arthur that this settlement is in the best interests of the County.

RECOMMENDED ACTION:**RECOMMENDATION**

Move that the Board approve the settlement agreement.

ALTERNATIVE RECOMMENDATIONS

None

FISCAL IMPACT:**RECOMMENDATION**

The settlement amount is within the reserves set aside for this case.

Funding Source	County Funds	Non-County Funds
Subtotal		
Project Total		

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☐ Budget Transfer / Amendment ☐ Chair Letter ☐ Contract / Agreement
☐ Grant / Application ☐ Notice ☐ Ordinance ☐ Resolution
☒ Other: Settlement Agreement