



Office of the Town Manager

Rafael G. Casals, ICMA-CM, CFM
Town Manager

MEMORANDUM

To: Honorable Members of the Town Council

From: Rafael G. Casals, ICMA-CM, CFM, Town Manager

Date: November 20, 2019

Re: Approving a Settlement Agreement and General Release:
Case No.: 1:19-CV-21840-DPG

REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING A SETTLEMENT AGREEMENT WITH JUAN CARLOS GIL IN THE MATTER OF JUAN CARLOS GIL V. TOWN OF CUTLER BAY, FLORIDA (CASE NO.: 1:19-CV-21840-DPG); PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BACKGROUND AND ANALYSIS

On May 31, 2019, the Town of Cutler Bay (the “Town”) was served with a lawsuit filed by Juan Carlos Gil (the “Plaintiff”) in the United States District Court for the Southern District of Florida styled Juan Carlos Gil v. Town of Cutler Bay, Florida (Case No.: 1:19-cv-21840-DPG) alleging that the Town violated the Americans with Disabilities Act. According to the lawsuit, Mr. Juan Carlos Gil claims that the Town’s website www.cutlerbay-fl.gov contains marries that prevent the full and equal use of the Town website by persons who are visually impaired, in violation of Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 et seq. (“Title II of the ADA”) and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 (“Rehabilitation Act”).

On October 28, 2019, the Town Council held publicly notice Executive Session to discuss the proposed settlement offer. The Town disputes the allegations in the lawsuit and expressly denies that the Town’s website violates Title II of the ADA, the Rehabilitation Act, or any other comparable regulation or statute. By entering into this Settlement Agreement and General Release (the “Agreement”), the Town does not admit wrongdoing or liability; however, to avoid further costs, burdens, and distractions of litigation, the Parties now desires settle fully and finally any and all claims alleged or that could have been alleged in a complaint filed in any legal, judicial, administrative, or regulatory forum.





RECOMMENDATION

It is recommended that the Town Council adopt the approval of the attached Resolution entering into an Agreement between Plaintiff, Juan Carlos Gil, authorizing the Town Manager to execute the Agreement and take all actions necessary to implement the intent and purpose of the attached Resolution.

