



AGENDA REPORT
July 10, 2018

Claim - Closed Captioning

SUBJECT:

Authorization to resolve closed captioning claim.

FISCAL IMPACT:

\$6,000.00

DEPT/OFFICE:

County Attorney Office

REQUESTED ACTION:

It is requested the Board authorize the County Manager to execute the necessary documents to resolve the claim presented on behalf of Eddie Sierra.

SUMMARY EXPLANATION and BACKGROUND:

The County has been contacted on behalf of Mr. Sierra related to a claim regarding accessibility of certain County media for hearing impaired.

Staff recommends settlement in the amount of \$6,000.00 for attorneys fees, costs, etc. with curative action regarding closed captioning. Outside counsel is currently working on additional details. Prior to the meeting, an email outlining the terms will be provided to Board members and the Clerk.

Contact Information: Shannon Wilson, Deputy County Attorney
Eden Bentley, County Attorney

ATTACHMENTS:

Description

No Attachments Available



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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Tammy.Rowe@brevardclerk.us

July 11, 2018

MEMORANDUM

TO: Eden Bentley, County Attorney Attn: Shannon Wilson

RE: Item F.30., Authorization to Resolve Closed Captioning Claim

The Board of County Commissioners, in regular session on July 10, 2018, authorized the County Manager to execute the necessary documents to resolve the closed captioning claim presented on behalf of Eddie Sierra.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

/ds

Encl. (1)

cc: County Manager
Finance
Budget

Donna Scott

From: Cummings, Cathleen <Cathleen.Cummings@brevardfl.gov>
Sent: Thursday, July 05, 2018 1:32 PM
To: Commissioner Rita Pritchett; Commissioner Jim Barfield; Commissioner John Tobia; Commissioner Curt Smith; Isnardi, Kristine; Tammy Rowe; Abbate, Frank B
Cc: Newell, Marcia; Mascellino, Carol; Alward, Elizabeth M; Williams, Sharon; Furr, Christine; Prasad, Billy; Tice, Molly; Woodard, Patrick; Stern, Danielle; Deborah Thomas; Kimberly Powell; Christine Mulligan-Willey; Donna Scott; Roth, Joy; Bentley, Eden; Wilson, Shannon L; Luebker, Vic
Subject: 07/10/18 Agenda Item F.30 - Closed Captioning Claim
Attachments: Sierra - Settlement Terms Summary for 7-10-2018 Board Meeting.docx

Good afternoon,

Please see attached document summarizing the proposed settlement terms in the claim of Sierra, E. v. Brevard County BOCC; Claim No. 324253; 027-097 for your review and preparation for next week's board meeting. Should you have any questions or comments, please contact Ms. Bentley. Thank you.

Cathie

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SIERRA V. BREVARD COUNTY

Eddie Sierra has made a request for accommodation on the basis of disability and notified Brevard County of his potential lawsuit against Brevard County under Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. The basis of Mr. Sierra's potential lawsuit concerns closed captioning of recorded videos of meetings of the Brevard County Board of County Commissioners that Brevard County has published via the Internet. The following are the essential, proposed terms for settlement of the potential lawsuit:

1. Payment:
 - a. On or before 30 days after the date the parties execute a settlement agreement, Brevard County will pay \$6,000.00 to settle the above-referenced potential lawsuit. Such amount shall resolve, without limitation, all potential claims for damages, attorney's fees, costs, and expenses.
2. Accessibility of Recorded Videos of Board of County Commissioners Meetings:
 - a. On or before one year after the date the parties execute a settlement agreement, Brevard County shall make the recorded videos of Brevard County's Board of County Commissioners that are published on the Internet on Brevard County's website conform to the WCAG 2.0 Level AA success criteria for closed captioning.
 - b. Should the United States promulgate regulation or enact legislation requiring that state and local governments make recorded videos published on the Internet accessible to hearing-impaired individuals, Brevard County shall not be required, as of the effective date of such regulation or legislation, by this settlement agreement to make any recorded videos of Brevard County's Board of County Commissioners that are published on the Internet on Brevard County's website accessible in any manner or to any degree greater than may be required by such regulation or legislation.
3. Release:
 - a. On or before 30 days after the date the parties execute a settlement agreement, Sierra will execute, before a notary, a release of claims for damages, attorneys' fees, and costs in favor of Brevard County. Such release would not preclude Sierra's ability to seek future injunctive relief, declaratory relief, or to enforce the terms of the parties' settlement agreement.

Should the Board of County Commissioners vote to resolve the *Sierra v. Brevard County* claim on these essential, proposed settlement terms, such terms would be incorporated into a formal settlement agreement containing standard language for compromised resolution of disputed claims without admission of liability, fault, or wrongdoing by Brevard County. The Board of County Commissioners would, upon voting to settle the *Sierra v. Brevard County* claim on these essential, proposed terms, authorize the Chair of the Board of County Commissioners to execute such formal settlement agreement on behalf of Brevard County, following consultation with the County Attorney and retained counsel for the *Sierra v. Brevard County* claim.