



Legislation Text

File #: ID#24-0831, **Version:** 1

SUBJECT/RECOMMENDATION:

Approve a supplement to a legal services agreement between the City and Bush Graziano Rice and Hearing, P.A. for the legal representation in the matter of Nathaniel Brooks v. City of Clearwater and Joseph Roseto, Civil Action No. 8:21-CV-02967-SDM-TGW, and authorize the appropriate officials to execute same.

SUMMARY:

The City of Clearwater was served with a lawsuit alleging that Mr. Brooks' civil rights were violated by events that occurred between 2014 and 2018.

The Code of Ordinances requires the City to protect and defend both current and former employees in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties. Mr. Roseto was the former HR Director and named as a co-defendant with the City. The claims against Mr. Roseto were dismissed in December 2023.

The City Attorney initially assigned defense of this lawsuit to the law firm of GrayRobinson, P.A., with Gregory Hearing, Esq. being the lead attorney. In October 2023, Mr. Hearing began working for the law firm of Bush Graziano Rice & Hearing, P.A., and the City continued to use the services of Mr. Hearing.

Due to the ongoing litigation, the case involving multiple defendants (City and Mr. Roseto), and the likelihood of a week-long jury trial, it is necessary to increase the budget. This supplement is for \$90,000.00, which includes services through trial.

This purchase is exempt from bidding requirements pursuant to Section 2.563(1)(g), Clearwater Code of Ordinances.

APPROPRIATION CODE AND AMOUNT:

Funding for outside counsel is budgeted in the City Attorney's Office cost code 0109600-530100, Professional Services. A third quarter budget amendment may be needed to offset this increase if services are rendered as anticipated in this fiscal year.