



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1259, **Version:** 1

Subject:

Williamson D. v. Brevard County

Fiscal Impact:

Paid through insurance

Dept/Office:

County Attorney

Requested Action:

Approve the attached settlement agreement.

Summary Explanation and Background:

On January 17, 2020, under a proposed settlement agreement, the Plaintiffs have agreed to accept \$430,000 for attorney fees, costs and litigation expenses. Additionally, as previously approved pursuant to a mediation on April 6, 2016, the plaintiffs will remain entitled to \$60,000 in compensatory damages, plus any accruable post judgment interest. The total of \$490,000 fully resolves all claims made or that could have been made relating to the invocation practices of the County, and all claims regarding fees and costs. These sums will be paid by the insurance trust with which Brevard County has a coverage agreement. In turn, the Parties will request the District court enter a proposed consent amended final judgment that vacates the prior permanent injunction and issues a new more limited permanent injunction that “permanently enjoins the County from continuing the invocation-speaker-selection practices and procedures as explained by the Commissioners in their testimony taken in the action and as embodied in Resolution 2015-101, insofar as such practices and procedures resulted in discrimination in favor of certain monotheistic religions.” Nothing in the consent judgment shall be construed as resolving or having a preclusive effect with respect to the issue of whether the County must permit nontheists to deliver opening invocations. The proposed consent order is in line with the 11th Circuit’s opinion. Attached is the Settlement Agreement and Exhibit A, which contains the relevant terms. Exhibits B-E are not attached, as they deal with court filings that will implement the relevant terms. Request the Board authorize the County Attorney, or designee, to sign the settlement documents and the County Manager to sign any required budget change requests or other documents associated with this action.

Clerk to the Board Instructions:

Return Clerk’s memorandum to County Attorney’s Office.