

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040360

1. REQUESTED MOTION:

ACTION REQUESTED: Approve offer of judgment in the case of City of Sanibel v. Lee County, case no. 04CA-134, pursuant to Fla.R.Civ.P. 1.422 in the amount of \$100,000.00.

WHY ACTION IS NECESSARY: Board of County Commissioners' approval is necessary to submit offer of judgment.

WHAT ACTION ACCOMPLISHES: Positions Lee County to obtain a judgment for its attorneys' fees against the Plaintiff if judgment is of no liability or is 25% less than the amount of such offer.

**2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #**

A12A

3. MEETING DATE:

04-13-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

**5. REQUIREMENT/PURPOSE:
(Specify)**

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT County Attorney
- C. DIVISION Litigation
- BY: John S. Turner
Assistant County Attorney

7. BACKGROUND: This is the action by the City of Sanibel in opposition to Lee County's decision to replace span A as well as a lack of repairs on spans B and C on the Lee County causeway. Pursuant to Fla.R.Civ.P. 1.422, a party defendant (Lee County) may submit an offer of judgment no earlier than 90 days after the action has been commenced. Under Section 768.79, Fla. Stat. (2004), if Lee County serves an offer which is not accepted by the City of Sanibel within 30 days, and there is a judgment of no liability, or the judgment obtained by the Plaintiff (the City of Sanibel) is at least 25% less than the amount of the offer, Lee County shall be awarded reasonable costs, including investigative expenses and attorneys' fees.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	<i>[Signature]</i>	OA	OM	RISK	GC	<i>[Signature]</i>
					<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER