

RESOLUTION NO. 98- 25

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY TO AUTHORIZE THE COUNTY ATTORNEY'S OFFICE TO SETTLE A LAW SUIT WITH THE ZIMMERMAN AGENCY, INC., BASED UPON CERTAIN FINDINGS OF FACT AND THE ADJUSTED DOWNWARD COMPUTATION OF CERTAIN INVOICES BILLED TO THE COUNTY.

WHEREAS, The Zimmerman Agency, Inc. ("Zimmerman") had on October 1995 entered into an advertising services agreement with St. Johns County ("County"); and

WHEREAS, as part of that agreement Zimmerman was to provide or contract for advertisement services to the County, and such services were to be properly documented with invoices and appropriate back-up materials; and

WHEREAS, the County held payment on certain invoices because of an absence of appropriate back-up materials and other bona fide concerns; and

WHEREAS, Zimmerman brought suit against County in May 1997 for a total of \$12,449.81 because of the County's refusal to pay said invoices without certain appropriate back-up materials and other sufficient information; and

WHEREAS, the County countersued against Zimmerman for breach of contract and other claims because of the lack of proper documentation provided by Zimmerman, and related complaints; and

WHEREAS, Zimmerman and County have held several discussions on clarifying and supporting or reducing certain invoice amounts, and Zimmerman has presented the County with additional materials and information in support of certain invoices; and

WHEREAS, Zimmerman and County have agreed on the supportableness of certain invoices, and the reduction or elimination of certain other invoices; and

WHEREAS, the parties have agreed on a settlement amount of \$9,500 based on the investigation and negotiation of the parties; and

WHEREAS, Section 164.106, Florida Statutes requires that:

"In any suit filed wherein the governing body of a county or municipality is a defendant, no settlement that requires the expenditure of public funds in excess of \$5,000 shall be entered into unless the terms of the settlement have been the subject of a public hearing held after the county or municipality so sued gives due public notice."

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of St. Johns County that:

1. All the Whereas clauses above are duly made findings of this Board.
2. The County Attorney, or his designee, is authorized to settle the above referenced lawsuit in the amount of \$9,500.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, State of Florida, this 3rd day of February, 1998.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Moses A. Floyd
Moses A. Floyd, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne Carter
Deputy Clerk