


Date: April 18, 2018

To: Mayor & City Commission

From: Greg Harrison, City Manager 

Subject: Interlocal Agreement re Settlement of Thrower Litigation

Background

The CRA is the defendant in that certain litigation styled: Vicente Thrower v. Pompano Beach Community Redevelopment Agency, Case No. 16-012620, Seventeenth Judicial Circuit, Broward County, Florida (the Thrower Litigation), by which Mr. Thrower is seeking reimbursement of \$483,000 in attorneys' fees and costs (the Fees) incurred in defending a prior criminal prosecution alleging unlawful compensation by a public official and bribery for which Mr. Thrower was acquitted. In the litigation, Mr. Thrower asserts that he was criminally prosecuted and incurred the Fees due to his voluntary service as a member of the NWCRA Advisory Committee.

Both the City and the CRA recognize the importance of encouraging public service and protecting their volunteers who serve on advisory committees from personal financial jeopardy. The CRA is constrained by the restrictions placed on the Redevelopment Trust Fund to reimburse the Fees without a judicial determination. The City believes it is in the best interest of the CRA and the City to amicably settle the Thrower Litigation without such judicial determination.

While the Court-ordered mediation did not result in a settlement, the parties have continued to pursue an amicable resolution of the litigation. Mr. Thrower's attorneys recently reduced their offer to settle to \$265,000.

The Interlocal Agreement provides that the CRA will enter into a settlement agreement with Mr. Thrower that provides for voluntary dismissal of the Thrower Litigation with prejudice upon receipt of payment by the City of \$265,000 as full and complete settlement of all claims for reimbursement of the Fees.

Recommendation

The Executive Director recommends amicable settlement of the Thrower Litigation and approval of the Interlocal Agreement.