



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission
FROM: Rafael Paz, City Attorney *Rafael Paz for RAR*
DATE: September 28, 2022
SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING THE SETTLEMENT BETWEEN CODY WADE AND THE CITY OF MIAMI BEACH, FLORIDA, IN THE AMOUNT OF \$130,000.00; AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO TAKE THE NECESSARY AND APPROPRIATE STEPS FOR THE IMPLEMENTATION THEREOF.

RECOMMENDATION

For the reasons outlined in this Memorandum, the Office of the City Attorney recommends that the City Commission approve the settlement between Cody Wade and the City of Miami Beach, Florida, in the amount of \$130,000.00; and authorize the City Manager and City Attorney to take the necessary and appropriate steps for the implementation thereof.

BACKGROUND

Plaintiff, Cody Wade, brought an action against the City of Miami Beach and two police officers under state and federal law relating to an alleged excessive use of force on June 28, 2019.

The City is represented in this action by the Office of the City Attorney and the officers are represented by outside counsel.

This matter is pending before the Honorable Robert N. Scola, United States District Judge, Case No. 21-22619-CIV-SCOLA with a jury trial pending.

The City wishes to avoid the expense, delay, and uncertainty of lengthy litigation and appeals.

FISCAL IMPACT

Pursuant to Section 2-12 of the City Code, the proposed settlement will not result in an anticipated increase in budgeted revenues or expenditures of the City in this fiscal year, or in the next fiscal year.

RP/HJH/ag