

MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	South County Youth and Recreational Center, Inc. and Our Family Ranch, Inc. v. MC Case No. 1999 CA 000446 CAO Lit. Case No. 1104	TYPE AGENDA ITEM	Regular
DATE REQUESTED	January 9, 2001	DATE SUBMITTED/REVISED	January 4, 2001
BRIEFINGS? WHO?	As requested	CONSEQUENCES IF DEFERRED	Protracted litigation
DEPARTMENT/DIVISION	County Attorney's Office	AUTHORIZED BY TITLE	Teddy N. Williams, Jr., County Attorney <i>by nch 1/4/01</i>
CONTACT PERSON TELEPHONE/EXTENSION	James A. Minix, Senior Assistant County Attorney & Dee Dee Rosario, ext. 3750	PRESENTER/TITLE TELEPHONE/EXTENSION	William C. Henry, Chief Assistant County Attorney ext. 3750 <i>WCH</i>
ADMINISTRATIVE APPROVAL			

ACTION DESIRED

INDICATE WHETHER "REPORT" or "DISCUSSION," "FORM OF MOTION" or "OTHER ACTION REQUIRED"

Motion:
Move to settle 12th Circuit Case 1999 CA 000446 on the terms provided and to authorize the Chairman to execute the proposed Settlement Agreement (in triplicate).

ENABLING/REGULATING AUTHORITY

(Federal/State law(s), administrative ruling(s), Manatee County Comp. Plan/Land Development Code, ordinances, resolutions, policy.)

Chapter 125, Florida Statutes

BACKGROUND/DISCUSSION

See Page 2

JAN 09 2001

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right. (If "NO," proceed to (1) below, and if "YES," proceed to (2))

N/A

"NO" TO ABOVE:

(A) PLEASE EXPLAIN BELOW (see also following section (B) re: contract, agreement, lease, etc.):

This is a County Attorney's Office item.

(B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT: 1995

"YES" TO FIRST QUESTION IN THIS SECTION:

(A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

Entire matter has been reviewed.

(B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED? IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (if comments were verbal, so indicate).

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ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS
Copies of Settlement Agreement will be distributed during meeting.	One original is for Board Records. Please return remaining two originals and a stamped copy of this Agenda Memorandum to William C. Henry, Chief Assistant County Attorney, following disposition.
COST	SOURCE (AGCT# & NAME)
COMMENTS	AMT/FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT)

BACKGROUND/DISCUSSION

In 1999, South County Youth and Recreational Center, Inc., and Our Family Ranch, Inc., Florida not-for-profit corporations, sued, seeking to force the County to again allow bingo games at the John Marble Complex. The County Attorney counterclaimed for eviction and money damages for unjust enrichment. We obtained a partial summary judgment which dismissed all five of the Plaintiffs' counts. They have appealed to the 2nd DCA. Our counterclaims are scheduled for trial the week of January 16th.

The Plaintiffs asked for a settlement conference. The agreed-upon terms are set forth in the proposed Settlement Agreement.

The County's counterclaims include an equitable money damage demand for unjust enrichment for proceeds from bingo games conducted illegally or in violation of the authorizing resolutions. We could potentially be awarded approximately \$100,000 against each Plaintiff. South County has virtually no assets, but Our Family Ranch owns its real property in East County which we could execute against. On the other hand, the 2nd DCA could reverse our summary judgment and litigation could be protracted.

This office recommends the Board approve the proposed settlement.

cc: Ernie Padgett, County Administrator

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1/10/01 Per Beeley, send ^{him} arranged
agmt memo. [unclear] / [unclear]
agmts are rec'd. all