

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

* TIME CERTAIN 2:00 P.M. *

Meeting Date: 1/16/08 -KW

Division: County Attorney

Bulk Item: Yes No

Staff Contact Person: Bob Shillinger

AGENDA ITEM WORDING: An Attorney-Client Closed Session of the Board of County Commissioners in the matter of *Monroe County v. Bender & Associates, CA K 03-915*.

ITEM BACKGROUND: This case involves the defective windows which were originally installed in the Gato Building during the rehabilitation project that converted that building to an administration building. Because the original windows leaked and did not pass hurricane impact tests, the County was forced to replace the windows or face a loss of grant funding. After replacing the defective windows, the County sued the Architect, the General Contractor and several subs and suppliers to recover additional costs. The case is now ripe for mediation. Prior to attending mediation, legal staff desires some direction from the Board.

Legal staff desires direction from the Board. Per F. S. 286.011(8), the subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.

Present at the meeting will be the Commissioners, Acting County Administrator Debbie Frederick, County Attorney Suzanne Hutton, Chief Assistant Bob Shillinger, special litigation counsel Ira Libanoff, Esq. and a certified Court Reporter.

PREVIOUS RELEVANT BOCC ACTION: 12/19/07 BOCC approved Closed Session for 1/16/08 in Key West at 2:00 p.m.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS: N/A

TOTAL COST: _____

BUDGETED: Yes No

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No

AMOUNT PER MONTH _____ **Year** _____

APPROVED BY: County Atty OMB/Purchasing Risk Management

DOCUMENTATION: Included Not Required

DISPOSITION: _____

AGENDA ITEM # _____