

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA

CITIZENS FOR SUNSHINE, INC., a
Florida not-for-profit corporation, and
ANTHONY LORENZO,

Plaintiffs,

v.

CASE NO.: 2008 CA 8108 SC

CITY OF VENICE, et al.,

Defendants.

SETTLEMENT STIPULATION

The Plaintiffs and the Defendants hereby stipulate and agree as follows for the purposes of settling all issues regarding this litigation:

1. Defendants ED MARTIN, SUZANNE LANG, JOHN SIMMONDS, NICHOLAS CARLUCCI, ROBERT BARTANOWICZ, SUSAN BALSINGER, and FRED HAMMETT shall be dropped as parties to this action.
2. The Defendant, CITY OF VENICE, acknowledges violations of Chapters 119 and 286 of the Florida Statutes, otherwise known as the Government-in-the-Sunshine-Law and the Public Records Act, as alleged in portions of the Corrected Fourth Amended Complaint.
3. The Defendant, CITY OF VENICE, has taken all actions necessary to cure these violations, and therefore, no official actions need be voided ab initio.
4. The Defendant, CITY OF VENICE, acknowledges the need to comply with Chapters 119 and 286 of the Florida Statutes, otherwise known as the Public Records Act and the Government-in-the-Sunshine-Law.
5. The Defendant, CITY OF VENICE, shall conduct an annual mandatory training session for Councilmembers and the members of all city boards, commissions, committees and task forces regarding the Government-in-the-Sunshine-Law and the Public Records Act, including, but not limited to, the use of liaisons and the discouragement of the use of position papers.
6. The Defendant, CITY OF VENICE, shall maintain an e-mail system that assigns a city e-mail account to each City Councilmember and to each member of a city board, commission, committee or task force, and the Defendant, CITY OF VENICE, shall require each

such member to use only his or her official city e-mail account when transacting official business and to otherwise comply with the City of Venice Information Technology Usage Policy.

7. The City of Venice acknowledges that Plaintiffs are entitled to an award of attorneys fees and costs under both Chapter 119 and Chapter 286 of the Florida Statutes, otherwise known as the Public Records Act and the Government-in-the-Sunshine Law, in an amount to be determined at an evidentiary hearing.

8. The Parties agree to jointly request that the Court vacate all orders imposing sanctions previously entered in this matter.

9. The Defendants withdraw all requests to tax or award attorneys fees and costs in this matter.

10. This settlement is a full and final settlement of all issues regarding actions taken by the Defendant, CITY OF VENICE, its public officials, employees, agents, and representatives, and the Defendants, ED MARTIN, SUZANNE LANG, JOHN MOORE, JOHN SIMMONDS, NICHOLAS CARLUCCI, ROBERT BARTANOWICZ, SUSAN BALSINGER, PAUL HOLLOWELL, and FRED HAMMETT, through the date of the final judgment described in paragraph 11, whether such issues are raised in the Corrected Fourth Amended Complaint or not, and whether such issues are known or unknown to the Plaintiffs and their legal representatives.

11. A final judgment shall be entered approving the terms and conditions of this settlement stipulation, dropping the Defendants ED MARTIN, SUZANNE LANG, JOHN SIMMONDS, NICHOLAS CARLUCCI, ROBERT BARTANOWICZ, SUSAN BALSINGER, and FRED HAMMETT as parties to this action, and directing the Plaintiffs and the Defendant, CITY OF VENICE, to comply with the terms and conditions of the settlement stipulation and dismissing this action with prejudice.

12. The Parties agree that the Court shall retain jurisdiction to enforce the terms and conditions of this settlement stipulation.

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Dated: _____

Dated: _____