City of Gainesville

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CHARLES CHIODO V. ROB KOEHLER AND CITY OF GAINESVILLE; UNITED STATES DISTRICT COURT CASE NO. 1:04CV377-MMP/AK (B)

The City Commission 1) approve the terms of the settlement; and 2) authorize the City Attorney to settle the claims of Charles Chiodo on behalf of the City.

In October 2004, Charles Chiodo filed a lawsuit against Rob Koehler, individually, and the City of Gainesville alleging a violation of his civil rights. Rob Koehler is a police officer with the City. On May 11, 2004, Sergeant Koehler arrested Mr. Chiodo for exposing minors to a sign Sergeant Koehler believed was obscene. At the time, Mr. Chiodo was participating in a demonstration and carried a sign critical of President Bush.

A negotiated settlement has been reached that would resolve all claims against the City and Sergeant Koehler, pending approval by the City Commission. The City has already adopted a new policy regarding arrests for alleged obscenity that is now a part of the police department manual. A copy of the policy is attached. As a part of the settlement, the City has agreed to pay Mr. Chiodo $12,000 as well as his attorney's fees and costs in the amount of $4,600. Mr. Chiodo will dismiss with prejudice the case against the City and Sergeant Koehler. It is the recommendation of the Risk Management department, Sergeant Koehler's attorney and the City Attorney's Office that the case be settled as outlined above.