

RESOLUTION NO. 2019-43

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, AUTHORIZING THE CITY MANAGER AND MAYOR TO ENTER INTO THE RESPECTIVE AGREEMENTS RELATED TO THE CLEAN WATER ACT LITIGATION SETTLEMENT; PROVIDING FOR A BUDGET AMENDMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, On June 24, 2019, City Council approved Resolution No. 2019-32 authorizing the Mayor and appropriate Legal Counsel to finalize and execute a Settlement Agreement in accordance with the Proposed Stipulated Order of Dismissal and Court's Retention of Jurisdiction; Case No.8:17-CV-00035-SCB-AEP – Suncoast Waterkeeper, Our Children's Earth Foundation, and Ecological Rights Foundation, v. City of Gulfport; and

WHEREAS, Authorization is needed for the City Manager and Mayor to enter into respective agreements related to the Settlement including a contract with Cardno for engineering services for Lift Station #2 new force main installation in the amount of \$198,810, a contribution to the Tampa Bay Estuary Program in the amount of \$25,000 and an agreed upon settlement with Environmental Advocates Attorney Client Trust Account in the amount of \$649,000.

WHEREAS, The total impact of the Clean Water Act Litigation Settlement amounts to \$872,810 and requires an associated budget amendment.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:**

**Section 1.**

The City Council hereby authorizes the City Manager and Mayor to enter into respective agreements related to the Clean Water Act Litigation Settlement including a contract with Cardno for engineering services for Lift Station #2 new force main installation in the amount of \$198,810, a contribution to the Tampa Bay Estuary Program in the amount of \$25,000 and an agreed upon settlement with Environmental Advocates Attorney Client Trust Account in the amount of \$649,000, and the associated budget amendment attached hereto as Exhibit A.

**Section 2.**

This resolution shall become effective upon its adoption.

PASSED AND ADOPTED this 6<sup>th</sup> day of August, 2019 by the Council of the City of Gulfport, Florida.

ATTEST:

---

Samuel Henderson, Mayor

---

Lesley DeMuth, City Clerk