

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1996.09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AUTHORIZING TOWN ATTORNEY TO INCUR UP TO \$110,000 IN COSTS IN CONNECTION WITH INVESTIGATION AND REMEDIAL WORK REGARDING ONGOING LITIGATION BETWEEN THE TOWN, AS PLAINTIFF, AND RLI INSURANCE CO. AND WILLIAMS HATFIELD & STONER, INC., AS DEFENDANTS; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Town of Golden Beach (the "Town") is currently engaged in ongoing litigation in the action styled *Town of Golden Beach v. RLI Insurance Co. and Williams Hatfield & Stoner, Inc.*, with Case No. 04-02417CA10 in the Circuit Court for the Eleventh Judicial Circuit in and for Miami-Dade County, Florida (the "Litigation"); and

WHEREAS, the Town Attorney is representing the Town in connection with the Litigation; and

WHEREAS, the Litigation concerns defects in the Town's Stormwater Management System; and

WHEREAS, in-ground investigations and other remedial work are required in connection with the Litigation; and

WHEREAS, the Town Council desires to approve the costs of such investigations and work by permitting the Town Attorney to incur up to One Hundred Ten Thousand Dollars (\$110,000) in costs with third party vendors and contractors in connection with the Litigation; and

WHEREAS, the Town Council finds that authorization of the costs pursuant to this Resolution is in the best interest of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Costs Authorized. That the Town Attorney is authorized to incur costs, on behalf of the Town, in an amount not to exceed One Hundred Ten Thousand Dollars (\$110,000) in connection with investigations, exploration, repair, closure, and other remedial work in connection with the Litigation. Such costs shall be incurred with third party vendors and contractors.

Section 3. Implementation. The Mayor, Town Manager, and Town Attorney are authorized to take any and all action which is necessary to implement this Resolution, to engage third parties to perform required investigations in connection with the Litigation, and to incur the expenses authorized in this Resolution.

Section 4. Effective Date. That this resolution shall become effective immediately upon approval of the Town Council.

Sponsored by **Town Administration**

The Motion to adopt the foregoing Resolution was offered by Councilmember Einstein, seconded by Vice Mayor Lusskin and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Absent</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach,
Florida, this 21st day of April, 2009.

ATTEST:

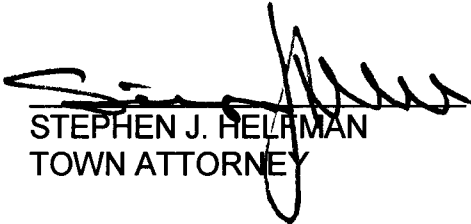


MAYOR GLENN SINGER



ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY