

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2058.09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, APPROVING AND RATIFYING ADDITIONAL 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 AN 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, on April 21, 2009, the Town Council passed Resolution No. 1996.09 authorizing the Town Attorney, on behalf of the Town, to incur up to \$110,000.00 in costs with third party vendors and contractors for investigations, exploration, repair, closure and other remedial work in connection with the Litigation; and

WHEREAS, there have been unanticipated additional expenditures in connection with the investigation and remediation in the amount of \$62,992.00; and

WHEREAS, the Town Council finds that authorization and ratification of the additional costs is necessary and is in the best interests 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. Additional Costs Authorized; Ratified and Confirmed. That the Town Attorney is authorized to incur additional costs with third party vendors and contractors, on behalf of the Town, in an amount not to exceed \$172,992.00, for investigations, exploration, repair, closure and other remedial work in connection with the Litigation. Said additional expenditures by the Town Attorney are hereby ratified and confirmed.

Section 3. Implementation. The Mayor, Town Manager and Town Attorney are authorized to take any and all action necessary to implement this Resolution and to incur the additional 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 Vice Mayor Lusskin, seconded by Councilmember Einstein 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 15th day of December, 2009.

ATTEST:



MAYOR GLENN SINGER


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY