



**CITY OF FORT LAUDERDALE  
City Commission Agenda Memo  
REGULAR MEETING**

**#23-0808**

**TO:** Honorable Mayor & Members of the Fort Lauderdale City Commission

**FROM:** D'Wayne Spence, Interim City Attorney

**DATE:** August 22, 2023

**TITLE:** Resolution appointing The Ferraro Law Firm, P.A., as special counsel, to represent the City of Fort Lauderdale in connection with the Per- and Polyfluoroalkyl Substances ("PFAS") litigation - **(Commission Districts 1, 2, 3 and 4)**

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**Recommendation**

The Interim City Attorney recommends that the City Commission adopt a resolution appointing The Ferraro Law Firm, P.A., as special counsel, to represent the City of Fort Lauderdale in connection with the PFAS litigation.

**Background**

Section 4.10 of the Charter of the City of Fort Lauderdale, Florida, provides, in part, that "[t]he city commission may, by resolution, authorize one (1) or more special counsel to be retained for the purpose of performing such legal duties as may be prescribed by said resolution. Each such resolution shall further prescribe the compensation to be paid the special counsel."

It is recommended that the City add to its roster of special counsel and prescribe the new counsels' compensation as set forth in the attached retainer agreement. The law firm shall represent the City in civil litigation to be promptly filed to pursue all available legal and equitable remedies in connection with the harm incurred by the City as a result of the unlawful, wrongful, deceptive, and fraudulent practices of PFAS manufacturers, which representation shall last through resolution of the lawsuit including through any and all appellate proceedings.

The Ferraro Law Firm, P.A., has extensive litigation experience including jury trials in federal and state court, its attorneys having the requisite skill and experience to advise and represent the City in these types of matters in both state and federal court and would charge the City on a contingency fee basis together with expenses as more fully set forth in the proposed retainer agreement attached as Exhibit 2 to this memo.

**Resource Impact**

There is no fiscal impact to the City at this time. The firm will be compensated based upon an

agreed upon contingency fee percentage.

**Attachment**

Exhibit 1 – Resolution

Exhibit 2 – Proposed Retainer Agreement

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Prepared by: Robert M. Oldershaw, Assistant City Attorney

Charter Officer: D'Wayne M. Spence, Interim City Attorney