

RESOLUTION NO. 18-

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RETAINING EISENSTEIN MALANCHUK LLP AS SPECIAL COUNSEL, PRESCRIBING THE LEGAL DUTIES TO BE PERFORMED BY SUCH SPECIAL COUNSEL, PRESCRIBING THE COMPENSATION TO BE PAID SUCH SPECIAL COUNSEL, AUTHORIZING THE INTERIM CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT OR ENGAGEMENT LETTER, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Eisenstein Malanchuk LLP proposes performing claims recovery services with regard to identifying any potential insurance coverage the City may have had historically for environmental claims arising from its operations, reviewing the City's historical records to determine if any policies exist, and if so, contacting the carriers and attempting to negotiate coverage for past environmental claims; and

WHEREAS, 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.";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Eisenstein Malanchuk LLP is hereby retained as special counsel for claims recovery services with regard to identifying any potential insurance coverage the City may have had historically for environmental claims arising from its operations, reviewing the City's historical records to determine if any policies exist, and if so, contacting the carriers and attempting to negotiate coverage for past environmental claims.

SECTION 2. That thirty-five per cent of the City's gross recovery, to wit, all monetary payments made by insurers, or other tangible benefits accepted in lieu of monetary payments, before consideration of any income tax matters, for environmental claims that Eisenstein Malanchuk LLP identifies, is prescribed as the compensation to be paid Eisenstein Malanchuk LLP.

SECTION 3. That the Interim City Attorney is authorized to execute a retainer agreement or engagement letter with Eisenstein Malanchuk LLP containing terms and conditions acceptable to the Interim City Attorney.

SECTION 4. That this Resolution shall be in full force and effect upon final passage.

ADOPTED this the _____ day of _____, 2018.

Mayor
DEAN J. TRANTALIS

ATTEST:

City Clerk
JEFFREY A. MODARELLI