

EXECUTIVE BRIEF REGULAR MEETING

AGENDA DATE: September 21, 2021

DEPARTMENT: City Attorney

TITLE:

Resolution No. 64-2021 -- approving the Settlement Agreement with the Federal Emergency Management Administration and its Administrator, in her official capacity (inclusive of attorney's fees and costs)

SUMMARY:

This is a request to settle Case No. 21-10755, City of Lake Worth Beach, Florida v Federal Emergency Management Agency and Deanne Criswell, in her official capacity, filed in the U.S. Court of Appeals for the Eleventh Circuit.

BACKGROUND AND JUSTIFICATION:

The City filed a lawsuit against FEMA in federal court (Case No. 9:19-CV-81140-AHS) challenging FEMA's denial of the City's administrative appeals of FEMA's decision to deobligate certain funds that the City had received through the FEMA Public Assistance Programs.

FEMA had denied these appeals without considering the merits on procedural grounds and without deciding the merits of the City's appeal.

The parties have reached an agreement whereby FEMA has agreed to consider the City's appeals on the merits, and the City has agreed to dismiss the litigation with each party bearing their own fees and costs.

MOTION:

Move to approve Resolution No. 64-2021 approving the settlement with the Federal Emergency Management Administration and its Administrator, in her official capacity.

ATTACHMENT(S):

Fiscal Impact Analysis – N/A
Resolution 64-2021
Settlement Agreement