

# STAFF REPORT REGULAR MEETING

**AGENDA DATE:** February 18, 2025

**DEPARTMENT:** City Attorney

**TITLE:**

Settlement Agreement between the City and the State of Florida, Division of Emergency Management (FDEM)

**SUMMARY:**

The City has requested a repayment plan with FDEM relating to payments made to the City from FEMA/FDEM relative to Hurricanes Frances, Jeanne and Wilma.

**BACKGROUND AND JUSTIFICATION:**

The City has had a longstanding dispute with FEMA regarding payments that had been made to the City related to Hurricanes Francis, Jeanne and Wilma in 2004 and 2005. After all of the pending litigation had been resolved and reinstatements of deobligated amounts were credited, and FEMA/FDEM had withheld certain monies for other storms, the City and their outside attorneys have negotiated an agreement with FDEM to repay the total sum of \$1,136,197.20 in equal payments of \$47,341.55 a month over 24 months. This agreement would fully satisfy and resolve this matter.

**MOTION:**

Move to approve/disapprove the Settlement Agreement between the City and the State of Florida, Division of Emergency Management

**ATTACHMENT(S):**

Fiscal Impact Analysis  
Settlement Agreement  
Repayment Agreement

**FISCAL IMPACT ANALYSIS**

Five Year Summary of Fiscal Impact:

<b>Fiscal Years</b>	<b>2025</b>	<b>2026</b>	<b>2027</b>	<b>2028</b>	<b>2029</b>
Inflows/Revenues					
Appropriated (Budgeted)	0	0	0	0	0
Program Income	0	0	0	0	0
Grants	0	0	0	0	0
In Kind	0	0	0	0	0
Outflows/Expenditures					
Appropriated (Budgeted)	0	0	0	0	0
Operating	\$331,390.85	\$568,098.60	\$236,707.75	0	0
Capital	0	0	0	0	0
Net Fiscal Impact <i>(If not budgeted)</i>	\$331,390.85	\$568,098.60	\$236,707.75	0	0
No. of Addn'l Full-Time Employee Positions	0	0	0	0	0

New Appropriation (Not Budgeted) Fiscal Impact:		
	Revenue Source (*)	Accounts Payable (*)
Department	N/A	Self-Insurance Fund
Division	N/A	N/A
GL Description	N/A	Liability/ Accrued Payable
GL Account Number	N/A	520-0000-202.00-00
Project Number	N/A	N/A
Requested Funds	N/A	\$1,136,197.20
Remaining Balance	N/A	N/A

(\*) The balance owed to FEMA was accrued/expensed back in fiscal year 2020 affecting fund balance and creating a liability that has been carried over to this date. These payments will be charged against the liability account and have no impact on the fund balance as a result of the accrual. Current fund balance for the self-insurance fund is estimated at \$4 million.