

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE CITY ADMINISTRATOR TO INCREASE THE NOT-TO-EXCEED AMOUNT FOR THE CITY'S ENGAGEMENT OF OUTSIDE LEGAL COUNSEL FOR ENVIRONMENTAL COMPLIANCE MATTERS

WHEREAS, the City of Republic, Missouri, ("the City" and/or "Republic") is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, on or about March 10, 2020, the City engaged outside legal counsel, Stinson LLP ("Outside Counsel"), for representation in connection with the City's ongoing efforts to satisfy its obligations under the Voluntary Compliance Agreement executed in October 2011 ("VCA") and the 2021 Abatement Order on Consent ("AOC"), in addition to its compliance efforts with (1) the Missouri Department of Natural Resources' ("MODNR") rule(s) and regulation(s) on wastewater treatment, (2) the Clean Water Act, 33 U.S.C. Ch. 23 § 1151, and (3) the Missouri Clean Water Law, Chapters 640 and 644, RSMo., as described in Attachment 1; and

WHEREAS, on or about October 5, 2021, the Council approved of the City's continued engagement of Outside Counsel for the above-described matters through completion of the anticipated wastewater treatment plant ("WWTP") improvements, expected to occur by April of 2025, via Resolution 21-R-45; and

WHEREAS, staff advises that the continued engagement of Outside Counsel through completion of the WWTP improvements, which is necessary to ensure compliance with the VCA, AOC, DNR, Clean Water Act, and Missouri's Clean Water Law, is expected to result in expenditures above the current not-to-exceed amount of \$50,000; and

WHEREAS, staff believe an increase of the not-to-exceed amount ("NTE") to \$150,000 will suffice to address the potential increased expenditures in connection with the engagement of Outside Counsel; and

WHEREAS, Council accepts City staff's recommendation and believes an adjustment of the NTE is appropriate and in the best interests of the City and its citizen body.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

- Section 1.** The maximum amount of expenditure that may be incurred under the terms and conditions described in Attachment 1 is increased from \$50,000.00 (fifty thousand dollars) to \$150,000.00 (one hundred fifty thousand dollars).
- Section 2.** The City Administrator, or his/her designee(s), on behalf of the City, is authorized to take the necessary steps to implement this Resolution.
- Section 3.** This Resolution shall become effective on and after the date of passage and approval as provided by law.

RESOLUTION NO. 23-R-01

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri,
this _____ day of _____, 2023.

Matt Russell, Mayor

Attest:

Laura Burbridge, City Clerk

Approved as to Form:



Megan McCullough, City Attorney

Final Passage and Vote: