



## Legislation Details (With Text)

<b>File #:</b>	24-0403	<b>Version:</b>	1	<b>Name:</b>	A RESOLUTION AUTHORIZING THE CITY OF FOLEY TO ENTER INTO A SETTLEMENT AGREEMENT WITH BRIGHTSPEED OF SOUTHERN ALABAMA, LLC
<b>Type:</b>	Resolution	<b>Status:</b>			Adopted
<b>File created:</b>	7/1/2024	<b>In control:</b>			City Council
<b>On agenda:</b>	7/1/2024	<b>Final action:</b>			7/1/2024
<b>Title:</b>	A RESOLUTION AUTHORIZING THE CITY OF FOLEY TO ENTER INTO A SETTLEMENT AGREEMENT WITH BRIGHTSPEED OF SOUTHERN ALABAMA, LLC				
<b>Sponsors:</b>					
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Date	Ver.	Action By	Action	Result
7/1/2024	1	City Council		

**A RESOLUTION AUTHORIZING THE CITY OF FOLEY TO ENTER INTO A SETTLEMENT AGREEMENT WITH BRIGHTSPEED OF SOUTHERN ALABAMA, LLC**

**WHEREAS**, Brightspeed of Southern Alabama, LLC (hereinafter “Brightspeed”) filed suit against the City of Foley and the Utilities Board of the City of Foley d/b/a Riviera Utilities on or about January 16, 2024, seeking equitable, monetary and other relief for alleged violations of federal and state law concerning the City’s enactment of Ordinance Number 24-0058; and

**WHEREAS**, the parties and their legal counsel in the lawsuit have met to discuss a mutually agreeable settlement and compromise to the litigation, but they have not agreed on a final version of a settlement agreement; and

**WHEREAS**, the speed at which the City can enter into the definitive settlement agreement is a material matter for Brightspeed and thus for the success of the settlement negotiations;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Foley that the Mayor, in consultation with the City’s legal counsel, is hereby authorized, empowered and directed to execute a settlement agreement with Brightspeed and the Utilities Board of the City of Foley on such terms, conditions, and provisions as the Mayor deems appropriate; provided, however, that any such settlement agreement must: (1) fully resolve the litigation styled *Brightspeed of Southern Alabama, LLC, v. City of Foley, Alabama, et al.*, Civil Action No. 1:24-CV-00156-N by having that action dismissed with prejudice; (2) not require any admission of wrongdoing by the City; (3) not require any payment of money by the City; and (4) include a suitable release by Brightspeed of all claims and damages.