



Legislation Text

File #: 24-0403, Version: 1

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.