

COUNCIL AGENDA STATEMENT



Meeting Date: January 13, 2026

To: Honorable Mayor and City Councilmembers

From: Steven Williams, City Attorney

Agenda Item: **Resolution 2026-04**, Ratifying A Retainer Agreement Between Sidley Austin Llp And The City Of Marathon, Florida; Authorizing The City Attorney To Execute The Agreement On Behalf Of The City; And Providing For An Effective Date.

BACKGROUND & JUSTIFICATION:

In February, 2025, the Third District Court of Appeal of the State of Florida issued in Opinion in *Shands, et al. v. City of Marathon*, Case Number 3D21-1987, which replaced a previous Opinion and reversed and remanded the matter back to the Sixteenth Judicial Circuit. In March 2025, the City Council approved a Retainer Agreement between the City of Marathon and the law firm of Weiss, Serota, Helfman, Cole & Bierman, to assist the City with an appeal of the Third District Court of Appeal decision to the Florida Supreme Court with a not to exceed amount of \$60,000.00. As of December 16, 2025, \$25,297.39, has been paid to Weiss, Serota, Helfman, Cole & Bierman for their legal services.

Ultimately, on December 5, 2025, the Florida Supreme Court declined to accept jurisdiction and denied the petition for review. At the December 9, 2025, City Council meeting, the City Council approved moving forward with an appeal to the United States Supreme Court. This Resolution is for the approval of a Retainer Agreement with the law firm of Sidley Austin LLP in an amount not to exceed \$85,000.00 in order to assist with the appellate efforts at the United States Supreme Court level.

CONSISTENCY CHECKLIST:

Yes

No

1. Comprehensive Plan _____
2. Other _____
3. Not applicable _____

FISCAL NOTE:

The FY26 Adopted Legal budget in the General Fund includes appropriations of \$130,000 for litigation/outside counsel and professional services.

RECOMMENDATION:

Council approve Resolution

**CITY OF MARATHON, FLORIDA
RESOLUTION 2026-04**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, RATIFYING A RETAINER AGREEMENT BETWEEN SIDLEY AUSTIN LLP AND THE CITY OF MARATHON, FLORIDA; AUTHORIZING THE CITY ATTORNEY TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon, Florida (the "City") is a party to a lawsuit which is currently pending before the Sixteenth Judicial Circuit of the State of Florida, *Rodney Shands, et al. v. City of Marathon*, Case No. 07-CA-99-M; and

WHEREAS, the City was a party to an appeal to the Third District Court of Appeal of the State of Florida, *Rodney Shands, et al. v. City of Marathon*, Case No. 2021-1987; and

WHEREAS, the City was a party to an appeal to the Supreme Court of the State of Florida, *City of Marathon*, Case No. SC2025-0833; and

WHEREAS, there may be further appellate proceedings in the above-referenced matter; and

WHEREAS, the City believes that hiring additional outside counsel to assist in any further appellate proceedings is in the best interest of the City and of the residents of the City of Marathon, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true, correct, and incorporated herein.

Section 2. The Retainer Agreement, together with such non-material changes as may be acceptable to the City Attorney and approved as to form and legality by the City Attorney, is hereby approved in an amount not to exceed eighty-five thousand (\$85,000) up to and including legal representation at the United States Supreme Court level. The City Attorney is authorized to execute the Retainer Agreement on behalf of the City.

Section 3. Effective Date. This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, THIS 13TH DAY OF JANUARY, 2026.

THE CITY OF MARATHON, FLORIDA

Lynny Del Gaizo, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

**APPROVED AS TO FORM AND LEGALITY FOR THE USE AND RELIANCE OF THE
CITY OF MARATHON, FLORIDA ONLY:**

Steve Williams, City Attorney