

**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: Landry, Matlock, Still, Struyf, Del Gaizo
NOES: None
ABSENT: None
ABSTAIN: None

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