

RESOLUTION NO. 26-02

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO RETAIN OUTSIDE LEGAL COUNSEL FOR THE PURPOSE OF INVESTIGATING, RESEARCHING, AND PURSUING POTENTIAL CLAIMS AND LITIGATION ON BEHALF OF THE CITY OF GALENA, KANSAS, AGAINST JORDAN DISPOSAL, LLC.

WHEREAS, the City of Galena, Kansas (“City”) is a municipal corporation organized and existing under the laws of the State of Kansas; and

WHEREAS, the City is a party to a Performance Contract for the Operation of the Existing Construction and Demolition Landfill with Jordan Disposal, LLC (“Jordan”); and

WHEREAS, the City has identified potential legal claims arising out of Jordan’s conduct, including but not limited to possible breaches of contract, failure to comply with approved operating plans, indemnification obligations, and related statutory and common-law claims; and

WHEREAS, the City Council finds it to be in the best interests of the City to authorize the City Attorney to retain outside legal counsel with specialized experience to assist in researching, evaluating, and, if appropriate, pursuing such claims and litigation on behalf of the City; and

WHEREAS, Kansas law permits a municipality to employ special counsel when the governing body determines such action is necessary to protect the City’s legal and financial interests.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF GALENA, KANSAS, AS FOLLOWS:

1. Authorization to Retain Counsel.

The City Attorney is hereby authorized and directed to retain one or more qualified law firms or attorneys (“Outside Counsel”) to investigate, research, advise upon, and, if warranted, pursue claims, causes of action, administrative proceedings, or litigation on behalf of the City against Jordan Disposal, LLC, including any related parties.

2. Scope of Authority.

Outside Counsel may provide legal services including, but not limited to, factual investigation, legal research, pre-litigation demands, negotiation, filing and prosecution of claims, defense of counterclaims, and pursuit of all legal and equitable remedies available to the City.

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read 'P. Wright', is written above a horizontal line.

Philip Wright, City Attorney