

RESOLUTION NO. R-142-24

RESOLUTION ACCEPTING CONSENT DECREE STIPULATED PENALTY SETTLEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE AND ENVIRONMENTAL PROTECTION AGENCY AND AUTHORIZING PAYMENT

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: The offer of settlement of claims by The United States Department of Justice (DOJ), on behalf of The Environmental Protection Agency (EPA), for stipulated penalties in accordance with Section XII, Paragraph 115 of the 2015 Consent Decree, for Sanitary Sewer Overflows (SSOs) between July 1, 2021 to December 31, 2023, and the City’s failure to meet the deadline for completion of the 2015 Sanitary Sewer Assessment (SSA) remedial measures work under Section V of the Consent Decree for a payment of \$590,000.00 is hereby accepted.

SECTION 2: The City Administrator and legal counsel for the City are hereby authorized to complete all necessary settlement documents and, upon completion of documents, the City Administrator is authorized to cause the \$590,000.00 settlement payment to be paid from the Capital Improvement Project Fund 6505 within a period of thirty (30) days from receipt of the fully executed settlement documents.

This Resolution adopted this 6th day of August 2024.

APPROVED:

George M. Hill
Mayor

ATTEST:

Shuni' Ford
City Clerk

APPROVED AS TO FORM:

Jerry Crawford npr