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WHEREAS, cigarette filters are the most commonly littered consumer product in the world, with an estimated 4.5 trillion filters discarded globally each year; and,

WHEREAS, cigarette filters are composed of cellulose acetate, a non-biodegradable plastic that persists in the environment for extended periods of time, fragmenting into microplastics and releasing toxic constituents into surrounding soil and waterways; and,

WHEREAS, the City of Little Rock owns, manages, and maintains public streets, sidewalks, parks, rights-of-way, stormwater infrastructure, and waterways throughout the City, all of which are burdened by the ongoing accumulation of cigarette filter waste; and,

WHEREAS, the City of Little Rock expends substantial public funds to investigate, collect, remove, and abate cigarette filter litter through solid waste management, street sweeping, storm drain maintenance, and litter enforcement operations, including expenditures of Thirty-Three Million, Two Hundred Forty-Seven Thousand Two Hundred Thirty-Nine Dollars (\$33,247,239.00) in Street Fund operations and Nine Million, Two Hundred Fifty-Five, One Hundred Thirty-Seven Dollars (\$9,255,137.00) in combined Street and Drain Maintenance and Storm Drain Maintenance for fiscal year 2024; and,

WHEREAS, Storm Drain Maintenance expenditures have increased approximately thirty-five percent (35%) from fiscal year 2024 actuals to the 2026 adopted budget, reflecting that these costs are ongoing and escalating; and,

WHEREAS, the City of Little Rock operates a Municipal Separate Storm Sewer System (MS4) and is subject to state and federal stormwater permitting and environmental compliance obligations that are materially burdened by the accumulation of cigarette filter waste in the City's drainage infrastructure; and,

WHEREAS, the Office of the City Attorney has determined that the City of Little Rock has a well-supported legal basis to pursue affirmative cost-recovery litigation against cigarette manufacturers and distributors under Arkansas statutory law, Arkansas common law, and the Little Rock Code of Ordinances,

1 including claims arising under the Arkansas Litter Control Act (Ark. Code Ann. § 8-6-401 et seq.), the
2 Arkansas Deceptive Trade Practices Act (Ark. Code Ann. § 4-88-101 et seq.), and related theories of public
3 nuisance, continuing trespass, product liability, unjust enrichment, and equitable indemnity; and,

4 **WHEREAS**, the Office of the City Attorney recommends retaining Grossman & Kelly LLP, McIntyre
5 Schnieders LLP and their partners to prosecute this litigation on behalf of the City on a contingency fee
6 basis, pursuant to which the City will not incur attorneys' fees, costs, or litigation expenses unless and until
7 a recovery is obtained; and,

8 **WHEREAS**, a proposed retainer agreement has been reviewed and negotiated by the Office of the City
9 Attorney, which designates Arkansas law as governing, and preserves the City's right to approve any
10 settlement; and,

11 **WHEREAS**, the Board of Directors finds that the prosecution of this litigation in the public interest
12 and welfare, at no upfront cost to the City, is in the best interest of the City of Little Rock and the residents
13 it serves.

14 **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY**
15 **OF LITTLE ROCK, ARKANSAS:**

16 **Section 1. *Authorization.*** The City Manager is hereby authorized and directed to execute a Retainer
17 Agreement with Grossman & Kelly LLP, McIntyre Schnieders LLP and their partners, for the prosecution
18 of tobacco product waste litigation on behalf of the City of Little Rock.

19 **Section 2. *Required Terms.*** The retainer agreement shall provide that: (a) the City of Little Rock will
20 not incur attorneys' fees, costs, or litigation expenses unless and until a recovery is obtained; (b) outside
21 counsel will advance all litigation costs and expenses; (c) the agreement shall be governed by Arkansas
22 law; and (d) the City retains the right to approve any settlement of the litigation.

23 **Section 3. *Further Authorization.*** The City Manager is further authorized to take all administrative
24 actions reasonably necessary to carry out the purposes of this Resolution, including execution of any
25 amendments or supplemental documents approved as to legal form by the City Attorney.

26 **Section 4. *Effective Date.*** This Resolution shall be effective upon adoption.

27 **Section 5. *Severability.*** In the event any title, section, paragraph, item, sentence, clause, phrase, or
28 word of this resolution is declared or adjudged to be invalid or unconstitutional, such declaration or
29 adjudication shall not affect the remaining portions of the resolution which shall remain in full force and
30 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the
31 resolution.

32 **Section 6. *Repealer.*** All laws, ordinances, resolutions, or parts of the same, that are inconsistent with
33 the provisions of this resolution, are hereby repealed to the extent of such inconsistency.

34 **PASSED: August 4, 2026**

ATTEST:

APPROVED:

Allison Segars, City Clerk

Frank Scott, Jr., Mayor

APPROVED AS TO LEGAL FORM:

Thomas M. Carpenter, City Attorney

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