



City of Oregon City

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Staff Report

File Number: 19-440

Agenda Date: 7/17/2019

Status: Consent Agenda

To: City Commission

Agenda #: 8i.

From: City Manager Tony Konkol

File Type: Contract

SUBJECT:

Settlement Agreement Between Mr. Williams, Mr. O'Brien and the City of Oregon City, the Oregon City Urban Renewal Commission and the Elections Officer for the City of Oregon City

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission approve the proposed settlement agreement.

BACKGROUND:

This settlement resolves certain elements of the litigation between Mr. Williams and Mr. O'Brien (Plaintiffs) and the City of Oregon City, the Oregon City Urban Renewal Commission and the Elections Officer for the City of Oregon City (Governmental Parties). The Plaintiffs filed a complaint against the Elections Officer and the City of Oregon City in Clackamas County Circuit Court (No. 16CV01310), to which, the Oregon City Urban Renewal Commission intervened. The Clackamas County Circuit Court resolved the matter and that resolution was appealed to the Oregon Court of Appeals (No. A166328) and is known as the "Pre-election Case". As part of the resolution of the Pre-Election Case, the Clackamas County Circuit Court awarded the Plaintiffs a general judgement and a portion of their attorney's fees in the amount of \$27,950.00.

The purpose of this Settlement Agreement is to settle fully and finally, the Pre-Election Case. This Settlement Agreement is not intended to, and does not have, any impact on Oregon Court of Appeals Case Number A167583, which is related to the Clackamas County Circuit Court decision concerning the preemption and the administrative versus legislative questions. The Court of Appeals dismissed the Governmental Parties appeals in the Pre-Election Case on July 12th. Per the settlement agreement, Mr. Williams' will dismiss his appeal in the Pre-Election Case within three business days of final approval of the attached Settlement Agreement.

In consideration for this Settlement Agreement, the Governmental Parties agree to pay Plaintiffs \$40,747.50, which includes the total principal and interest on the Clackamas County Circuit Court decision through July 22nd of \$30,747.50 and an additional \$10,000.00 for fees and costs.

BUDGET IMPACT:

Amount: \$40,747.50

FY(s): 2019

Funding Source: 1/2 Urban Renewal and 1/2 General Fund