

**RESOLUTION NO. 89-R-470**

**A RESOLUTION AUTHORIZING SETTLEMENT OF CLAIMS AGAINST THE CITY OF BROOKINGS BY THE STATE OF OREGON IN CONNECTION WITH THE COOS-CURRY COUNCIL OF GOVERNMENTS.**

**WHEREAS**, the State of Oregon has asserted a claim against the City of Brookings and others in a complaint filed in the Circuit Court of the State of Oregon for the County of Marion, Case No. 89 C 10486 in the matter of State of Oregon vs. Coos-Curry Council of Governments, et al.; and

**WHEREAS**, the claim is for declaratory judgment, negligence, breach of contract, statutory wage claim and fraud. The claim relates to monies which the State of Oregon claims are due to various agencies of the state; and

**WHEREAS**, Rick Kuhn, the attorney representing the City, on behalf of Alexis Risk Management, has recommended a proposed settlement in his letter of October 24, 1989.

**NOW, THEREFORE**, the members of the Brookings City Council, in special session assembled, do hereby find, declare and resolve:

1. It is in the best interest of the City of Brookings to settle and dismiss the aforementioned claims;
2. The City is hereby authorized to enter into a settlement of this claim whereby the City will contribute \$650 forthwith to a settlement fund;
3. The City will commit itself to pay additional monies dependent upon the collection of a Blue Cross receivable due to the Coos-Curry Council of Governments calculated on the basis of 1.45% of the amount of the receivable not collected up to a maximum of \$258.59;
4. The aforesaid payments will be made on the condition that the aforesaid complaint be dismissed against the City of Brookings and that the state release the City from all claims connected with the Coos-Curry Council of Governments;
5. The City Attorney is directed to complete the settlement transaction.

PASSED AND APPROVED by the Council and signed by the Mayor  
this 6th day of November, 1989.

  
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Fred Hummel  
Mayor

ATTEST:

  
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Beverly S. Shields  
City Recorder