

**RESOLUTION NO. 2834**

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN AND ENTER INTO,  
ON BEHALF OF THE CITY, A “SETTLEMENT AGREEMENT AND  
RELEASE OF CLAIMS” WITH REGARD TO THE CURRENTLY-PENDING  
PRA LITIGATION, A RELATED PRA REQUEST, AND THE CURRENTLY-  
PENDING OPMA LITIGATION**

WHEREAS, a lawsuit is currently pending against the City under Yakima County Superior Court Cause Number 20-2-02261-39 that advances one or more claims for alleged violations of Washington’s Public Records Act, RCW Chapter 42.56 (the “PRA Litigation”);

WHEREAS, the above-specified PRA Litigation is based upon a public records request that was submitted to the City on or about September 24, 2020 (the “PRA Request”) and also based upon the timing and substance of the City’s response to the PRA Request;

WHEREAS, a separate lawsuit is also currently pending against the City under Yakima County Superior Court Cause Number 20-2-02093-39 that advances one or more claims for alleged violations of Washington’s Open Public Meetings Act, RCW Chapter 42.30 (the “OPMA Litigation”)

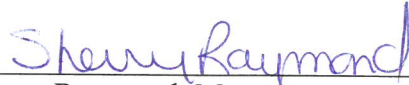
WHEREAS, the City’s Attorney, D. R. (Rob) Case, has negotiated a proposed settlement with the plaintiff, plaintiff’s attorney and PRA requestor(s), which will, if it is approved, finalized and fully effectuated, fully and permanently settle, resolve and discharge each and all of the PRA Litigation, the PRA Request and the OPMA Litigation;

WHEREAS, a written “Settlement and Release Agreement” consisting of seven pages (and also a combined six pages of Attachments and cover pages thereto) establishes and memorializes the terms and conditions of the proposed settlement, which terms and conditions include but are not limited to that the City would issue a one-time, lump-sum payment in the amount of forty-five thousand dollars and no cents (\$45,000.00) in exchange for dismissal with prejudice of the PRA Litigation, dismissal with prejudice of the OPMA Litigation, and also withdrawal and negation of the PRA Request; and

WHEREAS, the City’s Attorney recommends that the City Council authorize the Mayor to sign and enter into, on behalf of the City, such Settlement and Release Agreement and to then fully and timely perform and discharge all obligations and requirements owed by the City per the terms and conditions of such Settlement and Release Agreement;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, the Mayor is authorized to sign and enter into, on behalf of the City, the attached Settlement and Release Agreement.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 23<sup>rd</sup> day of February, 2021.

  
\_\_\_\_\_  
Sherry Raymond, Mayor

ATTEST:

  
\_\_\_\_\_  
Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
D. R. (Rob) Case, City Attorney

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