

CITY OF MOAB RESOLUTION 30-2019
A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A SETTLEMENT
AGREEMENT RESOLVING ALL CLAIMS BY THE FORMER CITY MANAGER

The following describes the intent and purpose of this resolution:

- a. The City of Moab ("City") is currently a party to litigation filed by the former City Manager ("Plaintiff") alleging various claims pertaining to the termination of the Plaintiff's employment. The City prevailed in that litigation before the Seventh Judicial District Court, and the matter is currently on appeal before the Utah Court of Appeals, Case No. 10900064-CA ("Appeal").
- b. As a result of settlement negotiations between the counsel for the City and counsel for the Plaintiff, the parties have reached an agreement acceptable to the Plaintiff and former Mayor David Sakrison, and which would, if approved by the City, result in dismissal of the Appeal and release of all claims of any nature by Plaintiff as against the City and all City officials.
- c. If approved, any settlement would be paid entirely by the City's insurer.
- d. The settlement is not an admission of fault or wrongdoing by any party and is entered into solely to bring an end to litigation which has been pending since 2017. It is in the best interests of the City that the Appeal and all other potential claims by the Plaintiff be finally concluded.

NOW THEREFORE, the City Council resolves as follows:

The City authorizes the Mayor to sign and execute a settlement agreement and release providing for the dismissal of the Appeal, with prejudice, and the release by Plaintiff of all legal claims of any nature which the Plaintiff may assert as against the City, its officials and employees, and former Mayor David Sakrison. Any payment shall be made by the City's insurer and be made payable to the Plaintiff's attorney. Any payment under the agreement shall not exceed twenty-five thousand dollars (\$25,000). This resolution takes effect immediately upon passage.

PASSED AND ADOPTED by a majority of the City Council this 23rd day of April, 2019.

By:



Mayor Emily S. Niehaus

4/23/19

Date

Attest:



Sommar Johnson, City Recorder

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