

ORDINANCE NO. 1041

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF \$30,000 IN SETTLEMENT OF THE LAWSUIT BROUGHT BY THE FORT MORGAN TIMES AND AUTHORIZING THE MAYOR TO SIGN THE STIPULATED CONSENT JUDGMENT AND DECREE.

WHEREAS, the City and members of the City Council are parties in a lawsuit brought by The Eastern Colorado Publishing Company in Morgan County District Court, Case No. 2006 CV 175, known as Eastern Colorado Publishing Company, d/b/a The Fort Morgan Times, and William Holland v. City of Fort Morgan, et al (the "Litigation"); and

WHEREAS, the Parties by and through their attorneys have arrived at a settlement agreement, i.e. Stipulated Consent Judgment and Decree, which, once executed, will require the City to pay the Fort Morgan Times thirty thousand dollars; and

WHEREAS, Article III, Sec. 4 of the *Charter of the City of Fort Morgan (1914)* requires City Council to authorize any contract expenditure in excess of ten thousand dollars; and

WHEREAS, the City Council finds and determines that it would be in the best interests of the City of Fort Morgan to enter into the settlement agreement regarding the Litigation.

BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN:

The expenditure of thirty thousand dollars in settlement of *Eastern Colorado Publishing Company, et al v. City of Fort Morgan, et al*, is hereby approved and the Mayor is authorized to sign the Stipulated Consent Judgment and Decree.

INTRODUCED, READ AND PASSED UPON FIRST READING this 3rd day of April, 2007, for publication once in a newspaper of the City of Fort Morgan, Colorado, at least ten days before its final passage.

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: /s/ Jack Darnell
Mayor

ATTEST:

/s/ Andrea J. Strand
City Clerk

FINALLY PASSED, ADOPTED AND APPROVED this 17th day of April, 2007, for publication by title only, once in the newspaper of the City of Fort Morgan, Colorado, within five days of the final passage, to take effect five days after final publication.

[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: */s/ Jack Darnell*
Mayor

ATTEST:

/s/ Andrea J. Strand
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

CERTIFICATE

I, Andrea Strand, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify and attest that the foregoing **Ordinance No. 1041** was, as a proposed **Ordinance** duly and legally presented to the City Council of the City of Fort Morgan, Colorado, at a Regular Meeting on the 3rd day of April, 2007. Said **Ordinance**, as proposed, was duly read at length at said regular meeting, and thereafter the same was, on the 6th day of April, 2007, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed **Ordinance** was again taken up and read a second time, duly and legally passed, approved and adopted at a Regular Meeting of the City Council held on the 17th day of April, 2007. Within five (5) days after its final passage, said **Ordinance** was published by title only in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.

/s/ Andrea J. Strand
City Clerk