

RESOLUTION No. 08-01-02

**AUTHORIZING THE CITY ATTORNEY TO
FILE A DECLARATORY JUDGMENT ACTION
WITH THE MORGAN COUNTY DISTRICT COURT
AND PROCEED WITH THE NECESSARY LEGAL ACTION**

WHEREAS, Sec. 2(B), Article I, of the *Charter* provides that "[T]he City shall have power to sue and defend"; and,

WHEREAS, the Council has found that a Declaratory Judgment Action seeking a judicial determination of the City's rights and obligations under the Colorado Open Records Act is necessary to protect the citizens and taxpayers of the City of Fort Morgan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MORGAN, COLORADO:

SEC. 1: The Council hereby authorizes the City Attorney to file and represent the City in any Declaratory Judgment Action or other litigation necessary to resolve the dispute in the Morgan County District Court.

INTRODUCED, PASSED, APPROVED AND ADOPTED this 8TH day of January, 2008, the vote upon roll call being as follows:

Powers, McAlister.

Ayes: Mayor Darnell; Councilmembers Deal, McAlister, Powers Schafer, Shaver, Simmons

Nays: None.

Absent /Abstain:

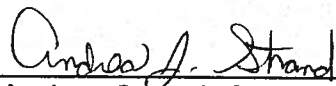
[SEAL]

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO

BY: 

Mayor Jack Darnell

ATTEST:



Andrea Strand, City Clerk

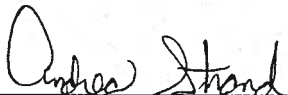
STATE OF COLORADO)
COUNTY OF MORGAN)
CITY OF FORT MORGAN)

ss.

CERTIFICATE

I, Andrea Strand, City Clerk of the City of Fort Morgan, Colorado, do hereby certify that the above and foregoing **Resolution** is a true, perfect and complete copy of the **Resolution** adopted by the City Council and is identical to the original thereof appearing in the official records of the City of Fort Morgan, Colorado, and that the same has not been, since its adoption, in any respect, rescinded or amended.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the City of Fort Morgan this 8th day of January, 2008.



Andrea Strand, City Clerk