

RESOLUTION NO. 275

AUTHORIZING SETTLEMENT OF PENDING LAWSUIT

WHEREAS, on September 6, 1977, the East Wenatchee Water District filed a lawsuit entitled:

EAST WENATCHEE WATER DISTRICT vs. WILLIAM M. HAMILTON and CAROLINE HAMILTON, husband and wife; JAMES LYNCH and GRACE LYNCH, husband and wife; FRANK KUNTZ and JILL KUNTZ, husband and wife; d/b/a HALILTON, LYNCH & KUNTZ, a partnership, KEITH A. FINCH and SARAH FINCH, husband and wife; REBECCA FINCH: FRANK P. JOHNSON and GWEN G. JOHNSON, husband and wife, and WAYNE HAROLD McGEE and DOROTHA McGEE, husband and wife, and

WHEREAS, during the past two years the District has pursued said litigation through discovery procedures including interrogations, depositions and investigations, and

WHEREAS, the District has, through new management, resolved certain disputed areas which were subjects of the said litigation, which are set forth in more detail in the letter to the District Commissioner's from the Manager as set forth below, and

WHEREAS, the Commissioners of the Water District find that it is in the best interest of the District to resolve by an out of court settlement the said litigation, and

WHEREAS, the Attorney General of the State of Washington by and through James R. Tuttle, Assistant Attorney General, has concluded that the proposed settlement is a successful resolution of this case, and

WHEREAS, the State Auditor, Robert V. Graham has personally reviewed the terms of the settlement in this matter and has approved the settlement terms and concluded that the settlement terms sufficiently carries into effect the findings of State Audit Examination No. 43478 covering the East Wenatchee Water District.

THEREFORE, based upon the above findings of fact and the specific recommendation of the Manager of the District contained in a letter attached hereto and made a part hereof,

NOW THEREFORE BE IT HEREBY RESOLVED that the East Wenatchee Water District does accept the sum of \$20,000.00 cash paid by the defendants to the District, together with full credit for any attorney's fees allegedly owed by the District to William M. Hamilton and together with full credit for any lease payments allegedly owed by the District to the B.R. Walker Company and/or William M. Hamilton and/or Dorotha McGee, as a full and final settlement of this litigation. In addition, the suits filed against Clyde Ballard, Lloyd Brett, Ron Kirkpatrick and the State Auditor have been dismissed with prejudice.

ADOPTED this 10th day of September 1979, by the Board of Commissioners of the East Wenatchee Water District, Douglas County, Washington, at a regular meeting thereof.



J. Clyde Ballard, President

Lloyd M. Brett, Vice President

ATTEST:



Paul W. Blanchard, Secretary

/sr