



DATE: August 20, 2013
TO: Board of Commissioners
FROM: Patrick Quinton, Executive Director
SUBJECT: Report Number 13-34
Executive Session: Held Pursuant to Oregon Revised Statutes 192.660 (2)(h) to Discuss Current Litigation and Consider Approval of Settlement Agreement

BOARD ACTION REQUESTED

Adopt Resolution No. 7022

ACTION DESCRIPTION

This action will authorize the Executive Director to enter into a Settlement Agreement with Brown Contracting, Inc., pursuant to terms to be described in Executive Session.

BACKGROUND AND CONTEXT

On April 2, 2013, Brown Contracting, Inc. filed an Amended Complaint alleging four causes of action against the Portland Development Commission (PDC) for alleged violation of public contracting laws and breach of contract in relation to the Martin Luther King Boulevard Gateway project and the Jefferson High School Frontage Improvement project. On August 26, 2013, PDC responded by filing a Motion to Dismiss. Thereafter, the parties mutually agreed to participate in mediation.

After mediation, the parties agreed to settle the litigation, subject to the approval of the Executive Director and PDC's Board of Commissioners. The terms of the proposed settlement will be discussed during Executive Session.

COMMUNITY AND PUBLIC BENEFIT

As will be described in Executive Session, approval of the proposed settlement agreement is believed to be in the best interests of the public.

PUBLIC PARTICIPATION AND FEEDBACK

Not applicable.

BUDGET AND FINANCIAL INFORMATION

To be discussed at Executive Session.

RISK ASSESSMENT

To be discussed at Executive Session.

ALTERNATIVE ACTIONS

To be discussed at Executive Session.

ATTACHMENTS

None