

PORTLAND DEVELOPMENT COMMISSION

Portland, Oregon

RESOLUTION NO. 7022

AUTHORIZING SETTLEMENT OF LITIGATION

WHEREAS, on April 2, 2013, Brown Contracting, Inc., filed an Amended Complaint alleging four causes of action against the Portland Development Commission ("PDC") for alleged violations 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;

WHEREAS, on April 26, 2013, PDC responded by filing a Motion to Dismiss;

WHEREAS, thereafter the parties mutually agreed to participate in mediation;

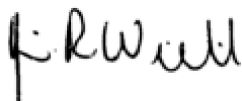
WHEREAS, after mediation, the parties agreed to settle the litigation, subject to the approval of PDC's Executive Director and Board of Commissioners ("Board"); and

WHEREAS, the Board has been briefed by General Counsel on the proposed terms of the Settlement Agreement and believes it is in the best interests of PDC to approve the Settlement Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Executive Director is authorized to enter into a Settlement Agreement with Brown Contracting, Inc., substantially in accordance with the terms outlined by General Counsel in Executive Session; and

BE IT FURTHER RESOLVED, that this resolution shall become effective immediately upon its adoption.

Adopted by Portland Development Commission on August 20, 2013



Gina Wiedrick, Recording Secretary

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RESOLUTION TITLE:

AUTHORIZING SETTLEMENT OF LITIGATION

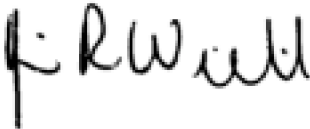
Adopted by the Portland Development Commission on August 20, 2013

PRESENT FOR VOTE	COMMISSIONERS	VOTE		
		Yea	Nay	Abstain
<input checked="" type="checkbox"/>	Chair Scott Andrews	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Aneshka Dickson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner John Mohlis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	Commissioner Steven Straus	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Commissioner Charles Wilhoite	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Consent Agenda		<input checked="" type="checkbox"/> Regular Agenda		

CERTIFICATION

The undersigned hereby certifies that:

The attached resolution is a true and correct copy of the resolution as finally adopted at a Board Meeting of the Portland Development Commission and as duly recorded in the official minutes of the meeting.

	<p>Date:</p> <p>September 19, 2013</p>
<p>Gina Wiedrick, Recording Secretary</p>	