

2010005

RESOLUTION NO. R-23-10

Authorizing Mutual Settlement Agreement and Release

Whereas, Coastal Healthcare, Inc., filed Case No. CV-2008-658 in the Circuit Court of Etowah County, Alabama, to appeal certain final assessments of tax, including Gadsden rental tax; and

Whereas, the contract between the City of Gadsden and PRA Government Services, LLC, doing business as RDS/Alatax contains an indemnification provision; and

Whereas, the City of Gadsden and RDS/Alatax (the parties) have asserted potential indemnification claims against each other arising out of the matters made the basis of this lawsuit; and

Whereas, each of the parties denies liability for any of the claims made by Coastal Healthcare, Inc.; and

Whereas, each of the parties denies any responsibility or liability to indemnify the other arising out of the matters made the basis of the above-styled lawsuit; and

Whereas, in the interest of time and expense, and recognizing the uncertainties of litigation, the parties desire to mutually release each other from any indemnification obligation or other claims arising out of this lawsuit or the facts made the basis of this lawsuit;

Now, Therefore, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GADSDEN, ALABAMA, that the Mayor on behalf of the City is authorized to execute the Mutual Settlement Agreement and Release with RDS/Alatax.

I certify that the City Council of the City of Gadsden, Alabama, duly adopted this resolution at a public meeting held on February 9, 2010.

Iva Nelson, City Clerk