

TO: Tumwater City Council
FROM: Karen Kirkpatrick, City Attorney
DATE: February 18, 2025
SUBJECT: Settlement Agreement

1) Recommended Action:

Authorize the City Attorney to enter into and sign a settlement agreement with Arthur West in the amount of \$5,000.

2) Background:

Arthur West filed a Summons and Complaint against the City of Tumwater alleging violations of the Public Records Act (PRA) on February 5, 2025. Mr. West claimed the City failed to conduct a reasonable search, wrongfully withheld or improperly redacted responsive records, and failed to provide a privilege log asserting valid privileges or exemptions related to two records requests submitted January 27, 2024. Mr. West sought an award of fees, costs, and per diem penalties, and an order compelling disclosure of all records.

Following negotiations with Mr. West, a settlement was reached, subject to approval by the City Council. The settlement terms are as follows:

- Payment of \$5,000.00 to Mr. West;
 - Execution by Mr. West of a standard release of all claims arising out of PRA requests to the City relating to the Davis Meeker Garry Oak to date;
 - No admission of liability or wrongdoing on the part of the City; and
 - Dismissal of the pending lawsuit with prejudice and without further costs or fees.
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3) Policy Support:

Refine and Sustain a Great Organization. Settling this case versus engaging in a long, protracted legal dispute will save the City thousands of dollars, and allows us to be good stewards of public funds.

4) Alternatives:

Not authorize the settlement agreement.

5) Fiscal Notes:

The settlement reached with Arthur West is \$5,000.00.

6) Attachments:

None