TO: Mayor and City Council
FROM: Andrew Martin, City Attorney

DATE: January 21, 2005

SUMMARY AND RECOMMENDATIONS:

This Ordinance authorizes payment in the amount of $65,000 and up to $2,000 in court costs for the settlement of the lawsuit described above and involving three former municipal court judges who sued the City after the City Council did not reappoint them in 1997. Staff recommends approval of this ordinance.

BACKGROUND:

In 1997, the City Council had a five member advisory committee of the City Council responsible for reviewing applications and making recommendations to the City Council for individuals seeking appointment or reappointment as municipal court judges. During that process, three municipal court judges, Robert Willman, Bridgid Sheridan, and Ed Minarich, were not reappointed by the City Council. Almost two years later, the former judges sued the City alleging discrimination and violations of the Texas Constitution and the Open Meetings Act. After preliminary dispositive motions in favor of the City, trial, and an appeal to the 4th Court of Appeals, the Court of Appeals upheld the trial court’s determination that the judges were effectively removed and that the constitutional provisions they alleged in their claim were not violated by the City. However, the case was remanded to the trial court to determine whether the City had violated the requirements of the Open Meetings Act. Six years after the alleged violations, the City resumed its defense of this claim. The parties engaged in recent settlement discussions which were discussed with the City Council in executive session and which led to this resolution of the matter.

POLICY ANALYSIS:

Under this settlement, the City will pay $65,000 to the three plaintiffs and up to $2,000 in recently incurred court costs. Settlement is in the best interest of the City.

FISCAL ANALYSIS:

If this settlement is approved, funding for the settlement is available from the City’s self insured fund.
COORDINATION:

This case has been reviewed with Andrew Martin, City Attorney; Martha Sepeda, First Assistant City Attorney/Acting Chief of Litigation; and Michael Rich, Risk Manager.

ANDREW MARTIN
City Attorney

J. ROLANDO BONO
Interim City Manager