

City Council Agenda Memo

From: Paul Briseno, City Manager

Council Meeting: October 13, 2020

Subject: City/County Detention Center Settlement Agreement

Person(s) Responsible: Steve Britzman, City Attorney

Summary:

The City of Brookings filed with the South Dakota Supreme Court an appeal for the Circuit Court ruling on the Brookings County Detention Facility. In August, City Council passed resolution 20-066 seeking a settlement agreement with the County to withdraw the appeal to the Supreme Court. City Council requested a discussion of the settlement agreement.

Background:

The City of Brookings received a ruling from the Circuit Court this year on the Brookings County Detention Facility. In July, the City sought to proceed with litigation efforts through the South Dakota Supreme Court.

In August, City Council passed resolution 20-066 withdrawing from the Supreme Court appeal. The resolution authorized the City Manager to execute a settlement agreement and release to terminate the litigation.

Discussion:

A final settlement agreement is attached to this memo and presented to City Council as a report of the agreed terms. The terms include the issuance of a city building permit, city would request the circuit court vacate the memorandum decision, the detention facility would not increase substantially in size as set forth in the drawings, continuation of an approved variance for street alignment, and continued commitment of collaboration.

Legal Consideration:

None.

Financial Consideration:

None as this is for reporting purposes.

Supporting Documentation:

Settlement Agreement