RESOLUTION NO. 21-_____

RESOLUTION APPROVING DONATIONS OF UNUSED SETTLEMENT FUNDS

WHEREAS, On June 10, 2020, the Buncombe County Superior Court approved the settlement of a class action lawsuit regarding certain water service fees entitled Mayfair Partners, LLC v. City of Asheville; and

WHEREAS, A condition of the the settlement required that any unclaimed portion of the settlement proceeds would be donated to a charity or charities to be selected by the Asheville City Council and approved by the plaintiffs in the action: and

WHEREAS, On October 27, 2020, in closed session, the City Council selected two nonprofit organizations to receive the donations, the Asheville City Schools Foundation and CoThinkk, both of which have received approval from the class action plaintiffs; and

WHEREAS, Following completion of the claims submittal process, it has been determined that the amount of $949,185.12 remains unclaimed, and must now be donated to the selected organizations; and

WHEREAS, The City Council wishes to divide the total amount of $949,185.12 evenly between the two organizations such that each will receive the amount of $474,592.56; and

WHEREAS, It is the expectation of the City Council that the donated funds will be utilized in such a way as to provide the public benefit of advancing racial equity within the community.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The Asheville City Council hereby directs the City Manager and City Attorney to effectuate the donation of the unclaimed and unused portion of the settlement funds described herein to the Asheville City Schools Foundation and CoThinkk, in equal amounts, and that each donation shall be memorialized by a donation agreement providing for the terms and conditions of the parties with respect to the donated funds.

Read, approved and adopted this 13th day of April, 2021.

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CITY CLERK MAYOR

APPROVED AS TO FORM:

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CITY ATTORNEY