

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: March 19, 2015

The following is my report to the City Council on several issues in which our office has been engaged since the last Council meeting:

1. Rockafellow v City of Charlotte. The City Manager Gregg Guetschow was deposed on Thursday, March 19. There will probably be two or three more depositions and that phase of discovery will be over. At that time, the parties will file various motions which will end the pre-trial phase of this matter. I will keep the Council advised as developments occur.

2. Charlotte Public Schools. As you know, there appears to be a conflict in the view of the nature of the funds received by the City in the Owens-Brockway litigation as it relates to the Charlotte Public Schools and the Charlotte Intermediate School District. I have been in contact with the Charlotte Public Schools' attorney to discuss this matter and the issues that are arising with the Department of Education. As you can well understand, the City's position is that these are contract damages, not taxes, and the monies were intended to reimburse the School District, like the other jurisdictions affected by the failure of Owens-Brockway to continue operation for the term of the contract, and not taxes.

It is hoped that there will be a meeting with representatives of the School Board and the City as it proceeds in this matter, and both the City Manager and I will keep you advised regarding these issues.

3. Nominating Petitions. I have responded to the inquiry of the City Clerk regarding the nominating petition issue. It is my opinion that nominating petitions must be obtained through the City (or generated by the candidate alone), and not from the County Clerk.

TMH:ddy