

East P.A. to pay ex-cop \$525,000

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CITY SETTLES LEGAL FIGHT OVER OFFICER'S '99 FIRING

By **Thaai Walker**
Mercury News

East Palo Alto has agreed to pay more than half a million dollars to a former police sergeant who has spent the past three years battling the city over his firing.

Under the terms of the agreement approved by the city council late Tuesday night, Robert Cole and his attorneys will receive \$525,000 over the next two years. It is believed to be the largest settlement payout to a single person in the city's history, according to city officials, who admitted Wednesday that they do not yet know where the money will come from.

The settlement also allows Cole to officially resign in lieu of being fired. In return, Cole will drop a federal wrongful termination lawsuit that was scheduled to go to trial next spring. Cole's suit sought payment for back pay, future pay, emotional distress and attorney's fees.

The settlement brings to an end a long and complicated legal fight between the city and Cole, 48, who was fired in 1999 on unspecified insubordination charges. Cole has contended that he was fired because he spoke out about mismanagement and police

See **SETTLEMENT**, Page 8B

SETTLEMENT | City to pay ex-cop

Continued from Page 1B

misconduct.

In settling the lawsuit, the city denied any wrongdoing.

"The city has always and will continue to deny any wrongdoing related to Cole's allegations of whistle-blowing, and no court has found that his termination was based on any whistle-blowing activities," said special counsel for the city Kathy Mount.

Cole, who lives in Arizona, did not return calls for comment, nor did his attorney.

"I'm glad it's finally over and that the matter has been resolved, and now we can move on with our business," said East Palo Alto Police Chief Wes Bowling.

City officials said the deci-

sion to settle came after weighing the cost and risks of going to trial.

"It feels awful, but it was the financially prudent thing to do," said Mayor Duane Bay. "No, there's no extra money lying around, but you have to make the judgment on what's the best thing. You have to weigh the cost of going forward."

Bay admitted that the settlement is "a big hit" on the city, which last month adopted a \$17 million budget that had no frills or room for extras. The city has only \$120,000 in its insurance fund.

The council asked Acting City Manager Sandy Salerno to report in September on where the city might find the money to pay the settlement.

Only three of the five city council members voted on the settlement. Council members Donna Rutherford and Myrtle Walker abstained for unspecified reasons. Neither could be reached for comment Wednesday.

Cole had spent nearly 15 years on the East Palo Alto force.

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