

TEMPORARY RESOLUTION NO. 43-16

PERMANENT RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE LAW DIRECTOR & CITY PROSECUTOR'S OFFICE TO DEFEND ALL NAMED DEFENDANTS IN THE CASE OF HEDGES V. CITY OF LANCASTER, ET AL., CASE NO. 2016 CV 160, PURSUANT TO OHIO REVISED CODE §733.53 AND FURTHER AUTHORIZING THE RETENTION OF OUTSIDE LEGAL COUNSEL, IF NEEDED AND/OR REQUIRED, TO APPROPRIATE FUNDS TO PAY FOR SUCH LEGAL SERVICES, AND TO AMEND THE CERTIFICATE OF APPROPRIATIONS WITH THE COUNTY AUDITOR

WHEREAS, the City has not been served yet, but is aware of the filing of Hedges v. City of Lancaster, et al., Case No. 2016 CV 160; and

WHEREAS, the City has put its insurance carrier on notice of the lawsuit and is awaiting a determination of coverage by the carrier; and

WHEREAS, pursuant to ORC §733.53, the Law Director & City Prosecutor's Office will defend the City of Lancaster and all named defendants in the lawsuit; and

WHEREAS, the Law Director & City Prosecutor's Office may require outside legal counsel to assist in the defense of the lawsuit and/or outside legal counsel may be a requirement of the insurance carrier upon a determination of coverage;

BE IT RESOLVED BY COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO

SECTION 1. That pursuant to ORC §733.53, the Law Director & City Prosecutor's Office is hereby authorized to defend the City of Lancaster and all named defendants in the lawsuit, Hedges v. City of Lancaster, et al., Case No. 2016 CV 160.

SECTION 2. That the Law Director & City Prosecutor's Office is hereby authorized to retain outside legal counsel to assist in the defense of the lawsuit and/or as required by the City's insurance carrier upon a determination of coverage.

SECTION 3. That the City of Lancaster Auditor amend the certificate of Appropriations with the County Auditor for the General Fund (101) in the amount of Ten Thousand Dollars (\$10,000.00).

SECTION 4. That the City of Lancaster Auditor appropriate from the unencumbered balance in the General Fund (101) into expense account 101.140.5207 (Legal Consultants) in the amount of Ten Thousand Dollars (\$10,000.00).

SECTION 5. That this resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas _____ Nays _____

Date Approved: _____

President of Council

Clerk: _____

Mayor

Offered by: _____

Second by: _____

Requested by Finance Committee