

ORDINANCE NO.: 86-2014
INTRODUCED BY: Roche

**AN ORDINANCE ENGAGING SPECIAL LEGAL COUNSEL FOR
THE CITY AND CITY COUNCILMEMBERS FOR LITIGATION;
AND DECLARING AN EMERGENCY.**

WHEREAS, a lawsuit has been filed against the City of Richmond Heights and each member of Richmond Heights City Council, in their official capacities, captioned *Edward J. Busch, Jr. v. City of Richmond Heights, et al.* and is pending in the Cuyahoga County Court of Common Pleas, Case No. CV 14-830861; and

WHEREAS, the City's self-insurance program and excess insurance carrier have denied insurance coverage and a defense of the litigation, requiring that the cost of the defense for the City and members of Council must be paid for by the City of Richmond Heights; and

WHEREAS, Council must immediately engage a law firm and/or attorney to protect the interests of the City and City Council members.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: City Council authorizes the engagement of Thomas J. Lee, partner at Taft Stettinius & Hollister LLP, as special legal counsel to defend the City of Richmond Heights and each member of Council in the matter of *Edward J. Busch, Jr. v. City of Richmond Heights, et al.*, upon terms and conditions that Council, in its sole discretion, determines necessary.

Section 2: The Director of Finance is hereby directed to prepare and sign all warrants for payment of invoices from legal counsel that have been approved by Council for this litigation and to do so from the "Contractual" line item in the Legal Department budget 2014 final appropriation ordinance adopted by this Council and to sign the "Fiscal Officer's Certificate" that is attached hereto and incorporated herein by reference as Exhibit A.

Section 9: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 10: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public welfare of the City in that the City must have immediate engagement of legal counsel for the purpose of properly defending the City and members of Council in the aforesaid litigation. Wherefore, this Ordinance shall take effect and be in force effective immediately, after its passage by Council and signature of the Mayor.

PASSED: _____

Miesha Wilson Headen, Mayor

APPROVED: _____

ATTEST: _____

Betsy Traben
Clerk of Council

David H. Roche
President of Council