

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0048

<p>Sponsored by: County Executive FitzGerald/Department of Law on behalf of Office of the Prosecuting Attorney</p>	<p>A Resolution authorizing a Stipulation for Entry of Consent Decree in the total amount of \$128,268.00 in connection with <i>Andrew Dombroff vs. Cuyahoga County, et al.</i>, U.S.D.C. Case No. 1:12cv2189; authorizing the County Executive to execute the Consent Decree and all other documents consistent with this Resolution; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, Cuyahoga County and the Cuyahoga County Sheriff have been named in a lawsuit filed in the United States District Court, Northern District of Ohio, in *Dombroff v. Cuyahoga County et al.*, U.S.D.C. Case No. 12cv2189, by individuals arrested in Cuyahoga County, maintaining that their Eighth and Fourteenth Amendment rights were violated; and,

WHEREAS, pursuant to Ordinance No. O2011-0033, Section 1, subsection (c), the Cuyahoga County Executive is authorized to settle or compromise any lawsuit against the County except that any settlement resulting in the County's expenditure of an amount in excess of \$100,000.00 shall require the prior approval of the Council; and,

WHEREAS, the County's legal representatives have recommended settlement of the claims of these Plaintiffs in the total amount of which is One Hundred Twenty Eight Thousand, Two Hundred Sixty Eight Dollars (\$128,268.00); and,

WHEREAS, the Plaintiffs have executed Stipulation for Entry of Consent Decree for specified amounts contingent upon the approval of the County Council; and,

WHEREAS, it is necessary that this Resolution become effective immediately to authorize immediate processing of the settlement of these claims and closure of the case.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Executive is hereby authorized to execute the Stipulation for Entry of Consent Decree with the Plaintiffs in *Dombroff vs. Cuyahoga*

County et al., in the total amount of One Hundred Twenty Eight Thousand, Two Hundred Sixty Eight Dollars (\$128,268.00).

SECTION 2. That the County Executive is authorized to execute all other necessary documents required to provide for the payments set forth in the Consent Decree.

SECTION 3. It is necessary that this Resolution become immediately effective in order that the proceedings in *Dombroff vs. Cuyahoga County, et al.* may proceed as directed by the Court. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of the Council relating to the adoption of this Resolution were adopted in an open meeting of the 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.

On a motion by Mr. Schron, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Jones, Rogers, Simon, Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell and Connally

Nays: None


County Council President

3-12-13
Date


County Executive

3/18/13
Date


Clerk of Council

3/12/2013
Date