

# County Council of Cuyahoga County, Ohio

## Resolution No. R2014-0237

Sponsored by: <b>County Executive FitzGerald</b>	<b>A Resolution</b> approving a proposed settlement in the matter of <i>Nancy Kovacic, et al. vs. Cuyahoga County Dept. of Children and Family Services, et al.</i> , United States District Court Case No. 1:05CV2746; authorizing the Law Director and/or his designee to execute the settlement and any related documentation; authorizing the appropriation of funds for payment of settlement amounts set forth herein; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, certain current and former Cuyahoga County social workers have been named in a lawsuit filed in the U.S. District Court for the Northern District of Ohio, captioned as *Nancy Kovacic, et al. vs. Cuyahoga County Dept. of Children and Family Services, et al.*, United States District Court Case No. 1:05CV2746.

WHEREAS, the parties were able to reach an agreement with the assistance of federal judge Sara Lioi to settle the case in the amount of \$350,000.00 in full and final settlement of any and all claims and any and all attorneys' fees arising out of the matter.

WHEREAS, Council, having been briefed about the facts and the history of the case, approves of the proposed settlement.

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

**SECTION 1.** County Council hereby approves a settlement agreement with the Plaintiffs in the amount of \$350,000.00, inclusive of all costs and attorneys' fees.

**SECTION 2.** The Director of Law (or his authorized designee) is hereby authorized to execute a settlement agreement and any other documents to effectuate the settlement in accordance with this Resolution.

**SECTION 3.** If any specific appropriation is necessary to effectuate this settlement, the Director of the Office of Budget and Management is hereby directed to submit the requisite resolution for County Council's first meeting in October 2014 to appropriate any necessary funds to effectuate this settlement. Such appropriation is hereby approved.

**SECTION 4.** It is necessary that this Resolution become immediately effective in order that the proceedings in the case may cease and to continue the usual and daily operations of the County Departments affected by this matter. 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 5.** 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. Miller, seconded by Mr. Germana, the foregoing Resolution was duly adopted.

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

Nays: None

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County Council President

\_\_\_\_\_  
Date

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County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

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Date

In accordance with Rule 6B of the Rules of Council, legislation was added to the agenda by parliamentary motion: September 23, 2014

Journal CC015  
September 23, 2014