

County Council of Cuyahoga County, Ohio

Resolution No. R2020-0135

Sponsored by: County Executive Budish/Department of Law	A Resolution authorizing an agreement with Martin F. Horn in the amount not-to-exceed \$90,000.00 to serve as a Correctional Joint Subject Matter Expert in the matter of <u>Tonya Clay, et al. v. Cuyahoga County, Ohio, et al.</u> , United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:18-CV-02929 for the period 7/7/2020 - 7/6/2021; authorizing the County Executive and/or his designee to execute the agreement and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
--	---

WHEREAS, Tonya Clay and other plaintiffs (“Plaintiffs”) filed a civil action docketed as Tonya Clay, et al. vs. Cuyahoga County, Ohio, et al., United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:18-CV-02929 (“Lawsuit”); and

WHEREAS, by Resolution No. R2020-0134, this Council authorized a Structured Negotiations Agreement between Plaintiffs and the County of Cuyahoga, Ohio (“County”) in the Lawsuit; and

WHEREAS, under the Structured Negotiations Agreement, Plaintiffs and the County have agreed to retain a Correctional Joint Subject Matter Expert (“SME”) to perform inspections of the Cuyahoga County Corrections Center, review documents, and prepare certain reports and findings; and

WHEREAS, the County Executive/Department of Law has recommended an agreement with Martin F. Horn in the amount not-to-exceed \$90,000.00 to serve as the SME for the period 7/7/2020 – 7/6/2021; and

WHEREAS, the agreement will be funded from the General Fund and the schedule of payments will be by monthly invoice; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical service provided by Cuyahoga County can continue and to provide for the usual daily operations of a County entity.

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

SECTION 1. The Cuyahoga County Council hereby authorizes an agreement with Martin F. Horn in the amount not-to-exceed \$90,000.00 to serve as a Correctional Joint Subject Matter Expert in the matter of Tonya Clay, et al. v. Cuyahoga County, Ohio, et al., United States District Court, Northern District of Ohio, Eastern Division, Case No. 1:18-CV-02929 for the period 7/7/2020 - 7/6/2021.

SECTION 2. The County Executive, or his authorized designee, is hereby authorized to execute the agreement and all other documents consistent with this Resolution. To the extent an exemption is needed for anything contemplated herein, it is hereby authorized.

SECTION 3. If any specific appropriation is necessary to effectuate this settlement, such appropriation is approved, and the Director of the Office of Budget and Management is authorized to submit the requisite documentation to financial reporting to journalize the appropriation.

SECTION 4. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. 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 this 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. Brady, seconded by Ms. Conwell, the foregoing Resolution was duly adopted.

Yeas: Miller, Tuma, Gallagher, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker and Brady

Nays: None

David Brady

7/7/2020

County Council President

Date

Annexa Buish

7/7/2020

County Executive

Date

Jesse M. Schmitz

7/7/2020

Clerk of Council

Date

Journal CC039
July 7, 2020

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County Code Chapter 110]