

Sponsor: Brown/Kitchen

ORDINANCE NO. 09-12

AN ORDINANCE OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO TO ENTER INTO A SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS IN RE: MERIDIAN AUTOMOTIVE SYSTEMS, INC. et al., GEORGE MILLER TRUSTEE VS. CITY OF JACKSON AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson is a party defendant in a bankruptcy action filed in the United States Bankruptcy Court for the District of Delaware and captioned In Re: Meridian Automotive Systems, Inc., et al., George Miller, Trustee v. City of Jackson, Adversary Case No. 11-52979 which sought to recover from the City the amount of \$57,187.78 ; and

WHEREAS, the City has retained bankruptcy counsel and is engaged in settlement negotiations which require the City to make a determination as to how they wish to resolve the pending litigation and which is subject to a March 12, 2012 deadline; and

WHEREAS, the immediate passage of this ordinance constitutes an emergency as completion of the project is necessary for the preservation of the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

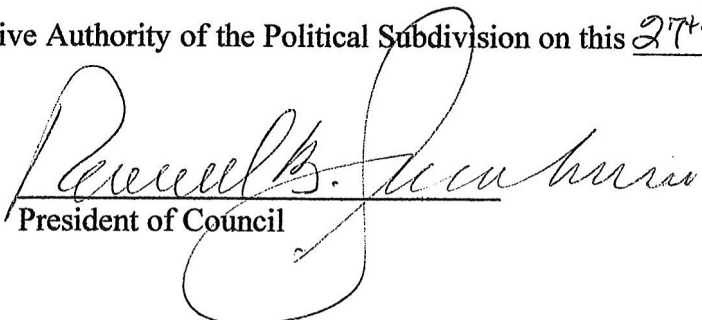
Section 1. The legislative authority of the City of Jackson hereby authorizes its legal counsel to execute on its behalf, a Settlement Agreement and Release of Claims, and this legislative authority further authorizes payment in an amount not to exceed \$17,782.96 be paid from Elec. Fund Refunds Other 731-7555-53052 by check to the order of "George L. Miller, Chapter 7 Trustee for the Bankruptcy Estates of Meridian Automotive Systems, Inc., et al.".

Section 2. This matter is hereby declared to be an emergency necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, Ohio.

Section 3. In the event this Ordinance receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Ordinance shall be deemed to have passed but with no emergency clause, and shall take effect at the earliest time permitted by law.

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

PASSED AND ADOPTED by the Legislative Authority of the Political Subdivision on this 27th day of February, 2012.


President of Council

ATTEST:

Ilia Brown
Clerk of the Legislative Authority

Approved this 27th day of February, 2012.

Randy R. Heath
Mayor