

Sponsor: Biggs/Colby

RESOLUTION NO. 44-20

A RESOLUTION OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO AUTHORIZING THE MAYOR OF THE CITY OF JACKSON TO EXTEND THE TOLLING AGREEMENT WITH THE GOODYEAR TIRE & RUBBER CO. AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson has been notified by the Goodyear Tire & Rubber Co. of its intent to proceed with a civil lawsuit related to the former Jackson County Landfill site to recover funds spent by it for cleaning and maintenance of the landfill and that the City of Jackson, Ohio will be made a party of that civil lawsuit; and

WHEREAS, the date of the running of the statute of limitations and the date by which Goodyear has stated a lawsuit will be filed is December 16, 2020; and

WHEREAS, in order to avoid the filing of a lawsuit on or before December 16, 2020, and to allow the City of Jackson and Goodyear Tire & Rubber Co. and other parties to explore alternative resolutions, the parties may agree to extend the previous tolling agreement; and

WHEREAS, this matter constitutes an emergency necessary for the preservation of the health, safety and welfare of the City as there is deadline by which the tolling agreement must be entered and the additional time will be beneficial to the City to determine its responsibility, if any, in regards to the Jackson County Landfill.

NOW, THEREFORE, BE IT RESOLVED THAT THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON GRANTS ITS APPROVAL AND CONSENT TO THE MAYOR TO EXECUTE THE EXTENSION TO THE TOLLING AGREEMENT, ATTACHED HERETO, WITH GOODYEAR TIRE & RUBBER CO. EXTENDING THE DATE BY WHICH SUIT MUST BE FILED BY ONE YEAR, AND DECLARING AN EMERGENCY.

This Resolution is hereby declared to be an emergency Resolution necessary to maintain the public health, safety and welfare for the reasons set forth above. Therefore, this Resolution shall go into effect upon passage and as provided in Ohio Revised Code Section 731.30.

In the event this Resolution receives a majority vote for passage but fails to receive the required number of votes to pass as an emergency, then this Resolution 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 Resolution 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, where in meetings 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 14<sup>th</sup>  
day of December, 2020.

Samuel O. Gault  
President of Council

ATTEST:

Candida Kuhn  
Clerk of the Legislative Authority

Approved this 14<sup>th</sup> day of December, 2020.

Barbara J. ...  
Mayor