

Sponsor: Gonia/Quera

RESOLUTION NO. 12-12

A RESOLUTION OF THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON, OHIO AUTHORIZING THE MAYOR OF THE CITY OF JACKSON TO CONSENT TO SETTLEMENT OF ALL DISPUTES WITH MK POWER SOLUTIONS, INC. AND MICHAEL KISER AND DECLARING AN EMERGENCY.

WHEREAS, the City of Jackson, Ohio had entered into an agreement whereby MK Power Solutions and Michael Kiser provided engineering services to the City relative to its electric services; and

WHEREAS, disputes have arisen between the City of Jackson and MK Power Solutions and Michael Kiser which has resulted in the termination of MK Power Solutions' contract with the City and the parties have been unable to agree on the amount of money owed to MK Power Solutions and Michael Kiser and the parties have been preparing to litigate the issue of payment;

WHEREAS, this Council recognizes that litigation is uncertain and that it is in the best interest of the City to participate in a negotiated settlement with MK Power Solutions, Inc. and Michael Kiser in order to resolve all claims between the parties that have been raised or could be raised by either, upon a payment by the City in the amount of \$62,500 to be paid from Electric Fund: Professional Services (731-7555-53007) and to void previously written check number 96334 that was not delivered;

WHEREAS, this matter constitutes an emergency and requires immediate action as the opportunity to settle for the above mentioned terms is available for a short period of time and could be withdrawn at any time before acceptance and settlement of the parties' differences. Furthermore, the resolution of this dispute for an amount certain is in the best interest of the City and furthers the interests of the public health, safety and welfare.

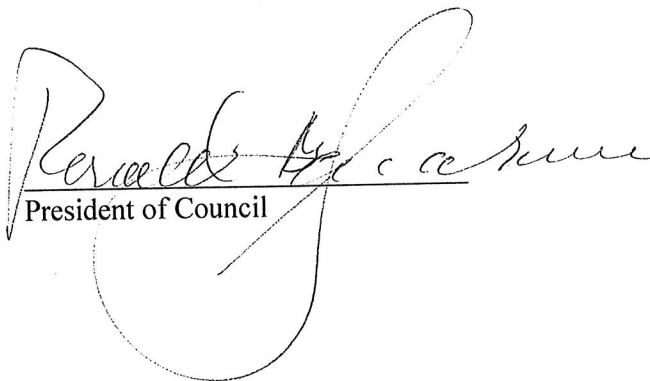
NOW, THEREFORE, BE IT RESOLVED THAT THE LEGISLATIVE AUTHORITY OF THE CITY OF JACKSON HEREBY GIVES ITS APPROVAL AND CONSENT TO THE MAYOR OF THE CITY OF JACKSON TO CONSENT TO SETTLEMENT AND TO ENTER INTO AN AGREEMENT AND EXECUTE A MUTUAL RELEASE OF ALL CLAIMS, AND THEREAFTER, TO CAUSE THE AUDITOR TO ISSUE PAYMENT IN THE AMOUNT OF \$62,500 FROM THE ELECTRIC FUND: PROFESSIONAL SERVICES (731-7555-53007) OF SAID SUIT ACCORDING TO TERMS THAT THE CITY OF JACKSON WILL NOT BE RESPONSIBLE FOR PAYMENT OF MONEY IN EXCESS OF THE DEDUCTIBLE OF THE POLICY OF INSURANCE.

This Resolution is hereby declared to be an emergency Resolution necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, Ohio in that it is necessary to approve the transfers so that the City's financial records reflect the correct financial information in accordance with the City's Right of Way Reimbursement Plan. Therefore, this Resolution shall go into effect upon passage and approval by the Mayor, 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 actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a 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 13th day of August, 2012.



President of Council

ATTEST:



Clerk of the Legislative Authority

Approved this 13th day of August, 2012



Mayor