

RESOLUTION 2021 – 18

**AN RESOLUTION AUTHORIZING THE SETTLEMENT OF THE LITIGATION
CAPTIONED BAYMARK HEALTH SERVICES OF OHIO, INC. ETAL. V. CITY OF
PARMA HEIGHTS ETAL., CASE NO. 1:20-CV-02754 AND DECLARING AN
EMERGENCY**

WHEREAS, Baymark Health Services of Ohio, et al. v. City of Parma Heights, et al., 1:20-CV-02754, was filed on December 11, 2020 in the United States District Court for the Northern District of Ohio; and

WHEREAS, the Court conducted status conferences on January 12, 2021 and July 6, 2021; and

WHEREAS, during the course of the litigation counsel for the parties engaged in discussions regarding the resolution of the litigation;

WHEREAS, a proposed settlement was discussed in an Executive Session of the Parma Heights City Council on June 28, 2021 and on August 30, 2021;

WHEREAS, the legal representatives of the parties have negotiated a Consent Decree setting forth the terms and conditions of the resolution of this matter in the United States Federal District Court; and

WHEREAS, appointed special legal counsel and the law department are recommending settlement of this matter under terms and conditions discussed in executive session by the council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Parma Heights, State of Ohio:

Section 1. This Council is authorizing appointed special legal counsel to execute the Consent Decree on behalf of the City of Parma Heights under terms and conditions discussed in executive session of the council.

Section 2. The city has agreed to provide \$200,000 as contribution toward the settlement and the funds to pay for this expenditure are authorized to be derived from the General Fund.

Section 3. This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council and that all deliberations of the Council and any of its committees comprised of a majority of the members of the Council that result in those formal actions were in meetings open to the public, in compliance with the law.

Section 4. This Resolution is declared to be an emergency measure immediately necessary for the public peace, health, and safety of the Municipality and for the further reason that approving the consent decree will conclude this litigation and preclude protracted and costly litigation in the federal court; wherefore, this Resolution shall be in full force and effect from and immediately after its passage by Council and approval by the Mayor.

PASSED: AUGUST 30, 2021

Marie Gallo

PRESIDENT OF COUNCIL
MARIE GALLO

ATTEST: *Chrissy Reason*
CLERK OF COUNCIL
CHRISSEY REASON

Aug 30, 2021
APPROVED

FILED WITH
THE MAYOR: AUGUST 30, 2021

Michael Byrne
MAYOR
MICHAEL BYRNE

