



**MINUTES SPECIAL MEETING
REYNOLDSBURG CITY COUNCIL
May 27, 2021**

Council President Leanora Jenkins called the meeting to order at 5:08 PM

PRESENT: Cotner (Remote), Baker (Remote), Jenkins (Remote), Strickland (Remote), Salvati (Remote), Pyakurel (Remote), Lawson-Rowe (Remote)
ABSENT: Bryant

Motion

A MOTION TO SUSPEND THE MANDATORY REFERRAL OF ORDINANCES TO COMMITTEE

Councilmember Cotner

Attorney Shook, I have a question. I think the community might benefit from understanding the purpose of suspending referral. Would you mind elaborating?

Attorney Shook

As this legislation is a matter of litigation, Council has been aware of this issue for the past four months. It seemed unnecessary to take the legislation through committee as Council has been aware of this pending settlement.

President Jenkins

I would like to thank Attorney Shook for all of his hard work on this case. I know that this has been going on for a number of years. I just want to thank him for all of his hard work and dedication.

With this case that he had to pick up when he was elected to Office, I just wanted to thank him for this hard work and finally being able to come to a conclusion with this case. Thank you for all the work that you've done on this case.

The mandatory committee referral for this Ordinance is suspended.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Salvati, Councilman
SECONDER:	Shanette Strickland, Councilwoman
AYES:	Cotner, Baker, Strickland, Salvati, Pyakurel, Lawson-Rowe
ABSENT:	Bryant



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Legislation for Emergency Adoption

73-2021

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SETTLEMENT AGREEMENT OF PENDING LITIGATION, AND DECLARING AN EMERGENCY

Attorney Shook

I'll try to be as brief as possible. As members of Council are aware, this proposed settlement is from events that occurred back in 2018 and is the subject of pending litigation in the Franklin County Court of Common Pleas. The City does, from time to time, occasionally get sued. It generally is not something that needs to be presented to Council for approval because we almost always have full insurance coverage for settlement. This settlement is coming to Council because of insurance issues that came up in the case back in 2018. The insurance policy that we had only provided for up to \$50,000 of insurance coverage on lost or future wage claims associated with employment actions. As this issue is an employment action, we were significantly short on our insurance coverage. The administration has resolved this issue. We now have a million dollars coverage for lost or future wages. This is not an issue that we anticipate will repeat itself in the future. The breakdown of this settlement is that it is a \$250,000 with the insurance company being willing to pay \$142,500 with the City's contribution being \$107,500, which is why we would need Council's approval for the Mayor to sign off on the settlement. I would note that this issue has been discussed before regarding the City's contribution. The City's total contribution to the settlement is approximately less than 10% of what we calculated our maximum exposure on this case to be. In addition, there is a condition that would allow the former employee to retroactively resign from the City of Reynoldsburg. I would note that there is a mutual non-disparagement agreement in the settlement. Because of that agreement, I would caution Councilmembers and the administration to be careful in their comments or questions. Beyond that, I would ask Council to approve this ordinance tonight as an emergency.

Councilmember Cotner

Attorney Shook, I know you indicated that we were limited on what we could, but this court case in a public record. People would still be able to look up and understand what the merits and base of the claim and counterclaim. Councilmember have been made aware of this issue, but our community members, whose tax dollars we are spending, may



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not be aware and I want to make sure that they have an understanding. I want to tread cautiously about can and cannot be said due to the language in this Ordinance.

Attorney Shook

I think that you know the case itself and all of the documents that have been filed as part of that lawsuit. These documents are available through the case information online system at the Franklin County Common Pleas, in addition to the settlement agreement itself being part of tonight's agenda packet online. I think that it is important to note that this settlement does not involve any admission of liability on the part of the City. Beyond that, this is an employment action filed by a former employee who was properly terminated. I would be careful to speak on the substance of the action, because you do not want to step on the non-disparagement agreement.

Councilmember Cotner

And that's honestly what's part of my other concern. I guess I questioned a couple things. Based on everything we've been told about the case, to know that even his employment records and disciplinary records are removed. I understand that we're still saying the City and the police acted appropriately, but you know when you're putting those things in there, they just seem to be a little more concerning to me. I want to make sure that the full story is shared to the taxpayers who we represent and make sure there's a full understanding of how the attorney's office got to this agreement.

Attorney Shook

I think it would be difficult to go into the amount of detail that we went into in Executive Session. That's one of the reasons why we have Executive Sessions, so we can be more open and candid. What I would note is that disciplinary records are still public records and always will be public records, subject to disclosure upon request.

Councilmember Cotner

I know the one important thing for our community understand is the potential for lost wages concern. That's why the risk of this getting so high was what your office was so worried about between the salary, retirement, benefits, and everything like that. So that was the kind of concerns we needed to address.

Reynoldsburg

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Attorney Shook

Without going into too much detail, the risk of an adverse decision for a trier of fact for the City was significant, seven figures significant. That's why I'm recommending that we accept this settlement.

Councilmember Cotner

I know we've shared it. I know Councilmembers have heard it. I again just feel we owe it to the community to make sure we're sharing. You know the reason for going this far with this settlement. I think it's important for our police leadership to know I appreciate everything Chief Baker has done. I think the police need to know where we as Councilmembers stand. I think there are some frustrations there. It's hard to discuss through an open meeting of all the nuances there, but I just want to make sure that we share as much as we share without stepping on the agreement and communicating with the community with what's happening.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Louis Salvati, Councilman
SECONDER:	Shanette Strickland, Councilwoman
AYES:	Cotner, Baker, Strickland, Salvati, Pyakurel, Lawson-Rowe
ABSENT:	Bryant

Adjournment

Leanora Jenkins

Leanora Jenkins, President of Council

Mollie Prasher

Mollie Prasher, Clerk of Council