



Legislation Details (With Text)

File #: O-172-23 **Version:** 1 **Name:**
Type: Ordinance **Status:** Approved
File created: 3/20/2023 **In control:** Law Department
On agenda: 4/4/2023 **Final action:** 4/4/2023
Title: Authorizing the settlement of the claims of Green Earth Transportation Services, LLC in Case No. CI-21-1489 pending in the Lucas County Court of Common Pleas for the sum of \$50,000; authorizing the expenditure of \$50,000 from the Risk Management Fund; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
4/4/2023	1	City Council	Suspension	Pass
4/4/2023	1	City Council	Emergency	Pass
4/4/2023	1	City Council	Passage	Pass

Claim Settlement - Green Earth Transportation
Department of Law
Leslie A. Kovacik (x1020)
Revised

Authorizing the settlement of the claims of Green Earth Transportation Services, LLC in Case No. CI-21-1489 pending in the Lucas County Court of Common Pleas for the sum of \$50,000; authorizing the expenditure of \$50,000 from the Risk Management Fund; and declaring an emergency.

SUMMARY & BACKGROUND:

Green Earth Transportation Services, LLC held the City-wide topsoil contracts in 2019-2020. Green Earth alleged the City failed to buy as much topsoil as estimated and brought a lawsuit in Lucas County Common Pleas Court. Following negotiations, an agreement has been reached in the amount of \$50,000 as to all claims without any admission of liability on the part of the City.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the expenditure of \$50,000 is authorized from the Risk Management Fund Account Code 7095-12000-1157001STDSTD in settlement of the claims alleged by Green Earth Transportation Services against the City of Toledo.

SECTION 2. That payment of these claims is contingent upon the execution of a proper settlement and release.

SECTION 3. That the Director of Finance is authorized to draw their warrant or warrants to

Green Earth c/o its legal counsel in the sum of \$50,000 from the above Account Code upon presentation of the proper voucher or vouchers.

SECTION 4. That this ordinance, being an emergency measure, shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property and for the further reason that this ordinance must be immediately effective in order to implement the settlement in accordance with the agreement.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council
_____.

Attest: _____
Clerk of Council