



Legislation Details (With Text)

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File created: 11/26/2019 **In control:** Law Department
On agenda: 12/10/2019 **Final action:** 12/10/2019
Title: Authorizing the additional expenditure of an amount not to exceed \$25,000 from the Risk Management Fund to the law firm of Spengler Nathanson for the provision of professional assistance on behalf of the City of Toledo in ongoing litigation captioned *Drewes Farm Partnership v. City of Toledo*; and declaring an emergency.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Audio: Agenda Review 12/3/2019

Date	Ver.	Action By	Action	Result
12/10/2019	1	City Council		
12/10/2019	1	City Council		
12/10/2019	1	City Council		

LEBOR

Department of Law

Dale Emch (x2384)

(Revised)

Authorizing the additional expenditure of an amount not to exceed \$25,000 from the Risk Management Fund to the law firm of Spengler Nathanson for the provision of professional assistance on behalf of the City of Toledo in ongoing litigation captioned *Drewes Farm Partnership v. City of Toledo*; and declaring an emergency.

SUMMARY & BACKGROUND:

Voters participating in a special election held on February 26, 2019, passed an amendment to the City of Toledo Charter titled Lake Erie Bill of Rights (“LEBOR”). *Drewes Farm Partnership* filed on February 27, 2019, a lawsuit in the U.S. District Court, Northern District of Ohio, against the City of Toledo. The lawsuit generally alleges that the amendment is unconstitutional and violates Ohio and federal law. The State of Ohio on March 29, 2019, filed a motion to intervene in the action against the City of Toledo, which has added to the motion practice in the case. The additional funds authorized from this ordinance will allow Spengler Nathanson to continue defending the case.

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

SECTION 1. That an expenditure in an amount not to exceed \$25,000 is authorized from the Risk Management Fund, Account Code 7095-12000-1157001STDSTD, for payment to the law firm of Spengler Nathanson for the provision of continued legal services and litigation expenses in the case of *Drewes Farm Partnership v. City of Toledo*.

SECTION 2. That the Director of Finance is authorized to draw his warrant or warrants against the account code listed above in an amount not to exceed \$25,000 in payment of the authorized obligations upon presentation of proper vouchers.

SECTION 3. That this Ordinance, being an emergency measure, shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of public peace, health, safety and property and for further reason that this ordinance must immediately be effective so the City may promptly pay obligations incurred in the case of *Drewes Farm Partnership v. City of Toledo*.

Vote on emergency clause: yeas 12 nays 0

Passed: December 10, 2019, 2019, as an emergency measure: yeas 12, nays 0.

Attest:

Gerald E. Dendinger
Clerk of Council

Matt Cherry
President of Council

Approved:

December 11, 2019
Wade Kapszukiewicz
Mayor