



Legislation Details (With Text)

**File #:** 24-0457      **Version:** 1      **Name:** Berkeley College Settlement Agreement  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/21/2024      **In control:** Economic and Housing Development  
**On agenda:** 5/22/2024      **Final action:** 5/22/2024

**Title:** Dept/ Agency: One Stop Career Center-NewarkWorks  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Purpose: Pre-Litigation Settlement of Civil Claim  
Docket No.: Not Applicable  
Claimant: Berkeley College, 536 Broad Street, Newark, New Jersey 07102  
Settlement Amount: \$274,000.00  
Funding Source: Mayor’s Office of Employment and Training  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
5/22/2024	1	Municipal Council		

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**Additional Information:**

**WHEREAS,** NewarkWORKS and the Newark Youth One-Stop Career Center facilitate the Summer Youth Employment Program (“SYEP”) for the City of Newark each year from July through August; and

**WHEREAS,** the Newark Summer Youth Employment Program (SYEP) provides Newark youth a combination of career exploration, financial literacy, workplace readiness training, paid work experiences, mentoring, and coaching, at various worksites throughout the City of Newark; and

**WHEREAS,** due to an influx of participant enrollments, NewarkWORKS and the Newark Youth One Stop Career Center wished to utilize the services offered by Berkeley College to service participants of the Summer Youth Employment program; and

**WHEREAS,** the Newark Youth One Stop Career Center utilized the Newark Campus of Berkeley College located at 536 Broad Street, Newark, New Jersey, as a Summer Youth Employment Program host site for 500 youth participants between the ages of 14 and 24 to deliver a customized career exploration curriculum from July 10, 2023 through August 18, 2023; and

**WHEREAS,** the claimant named above, provided Educational, Training and Career exploration Services for the City of Newark; and

**WHEREAS**, this service was beneficial to the City of Newark as there were a limited number of vendors in the surrounding area with the capacity and resources to provide accommodating services to the number of youth participants needed; and

**WHEREAS**, two hundred and seventy four (274) participants participated in the Educational, Training, and Career exploration services rendered by Berkeley College and the invoice has been attached herein; and

**WHEREAS**, a settlement proposal has been made to resolve this claim in its entirety by payment in the total amount of Two Hundred Seventy-Four Thousand Dollars and Zero Cents (\$274,000.00) ("Settlement Sum"), and execution of a Settlement Agreement and Release; and

**WHEREAS**, there remains no outstanding balance for the Educational, Training and Career exploration Services provided to the City of Newark July 10, 2023 through August 18, 2023; and

**WHEREAS**, to avoid the costly expense of litigation, the Parties and the Corporation Counsel desire to amicably resolve this matter with payment by the City of Newark of the Settlement Sum, in exchange for Plaintiff's execution of the Settlement Agreement and Release (attached) as a full and complete release of the matter; and

**WHEREAS**, the Corporation Counsel, based upon all facts and circumstances surrounding the matter, deems it is in the best interest of the City to resolve this matter by payment in the amount set forth above.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor and/or his designee, the Corporation Counsel, is hereby authorized to execute and accept the terms of the Settlement Agreement which is attached hereto.
2. Upon receipt by the Corporation Counsel of the fully executed Settlement Agreement, the Director of the Department of Finance is hereby authorized and directed to issue payment in the amount of Two Hundred Seventy-Four Thousand Dollars and Zero Cents (\$274,000.00) which shall be made payable to Berkeley College, 536 Broad Street, Newark, New Jersey 07102.
3. Annexed hereto is the Certification of Funds issued by the Assistant Director of the Department of Finance, City of Newark, which states that there are available sufficient legally appropriate funds from NW **011 Dept. 010 Div./Proj. 0109 Account# 72090 Budget Ref. B2024** in the amount of \$274,000.00 for the purpose set forth herein.
4. A copy of the Comptroller's Certification shall be filed in the Office of the City Clerk along with this Resolution by the Corporation Counsel.
5. The Corporation Counsel shall file a fully executed copy of the Settlement Agreement in the Office of the City Clerk.
6. This Resolution shall be effective upon adoption in accordance with applicable State Law.
7. The Settlement Agreement and Release does not admit, nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of the Corporation Counsel and to eliminate all risks and future litigation costs.

### **STATEMENT**

This Resolution authorizes the Mayor and/or his designee, the Corporation Counsel, to enter into and execute a Settlement Agreement and Release to settle a claim with Berkeley College, 536 Broad

Street, Newark, New Jersey 07102, in the amount of Two Hundred Seventy-Four Thousand Dollars and Zero Cents (\$274,000.00), in exchange for Claimant's dismissal of any and all claims against the City of Newark and its employees.