



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-1635, **Version:** 1

Dept/ Agency: Law

Action: () Ratifying (X) Authorizing () Amending

Purpose: Pre-Suit Settlement of Demand for Payment and Repeal of Resolution 7R9-g, October 3, 2012

Docket No.: None

Claimant: Childress and Jackson, LLC

Claimant's Attorney: None

Attorney's Address: 280 South Harrison Street, Suite 303, East Orange, New Jersey 07018

Settlement Amount: \$8,720.00

Funding Source: City Budget/Office of the City Clerk

Additional Comments:

Invitation: Corporation Counsel, November 18, 2013

WHEREAS, the Office of the City Clerk was in need of legal services to represent the Newark Municipal Council on the issue of the Citizen's Water Ordinance and issues related to the Newark Watershed Conservation and Development Corporation; and

WHEREAS, Childress and Jackson, LLC, provided the requested legal services related to the dispute, of which \$8,720.00 remains outstanding and unpaid; and

WHEREAS, the Office of the City Clerk has confirmed that the Newark Municipal Council received the benefit of those services; and

WHEREAS, Childress and Jackson, LLC, has submitted an invoice supporting those charges; and

WHEREAS, the Director of the Department of Finance has certified that there are adequate, appropriated monies available to pay the outstanding balance due from the 2013 Municipal Budget of the City of Newark; and

WHEREAS, the parties have agreed to pay the amount due and owing by way of a settlement agreement, in exchange for the execution of a Settlement Agreement and General Release as a full and complete settlement of the claims of Childress and Jackson, LLC, including any claims for attorney's fees; and

WHEREAS, the within settlement 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 counsel and to eliminate all risks and future litigation costs; and

WHEREAS, the City has determined that it is in the best interest of the taxpayers to avoid the

cost, expense, delay and uncertainty of litigation, if this matter proceeded to litigation.

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

1. The Corporation Counsel is hereby authorized on behalf of the City of Newark to negotiate and execute a Settlement Agreement and Release and any other documents, sufficient in form and content to Corporation Counsel and to take whatever actions are necessary to effectuate the terms of the within resolution and settlement of this matter pursuant to the terms contained in the within Resolution.
 2. The Municipal Council of the City of Newark hereby authorizes the payment by check made payable to Childress and Jackson, LLC, in the amount of \$8,720.00 (Eight Thousand Seven Hundred Twenty Dollars), which check shall be mailed to 280 South Harrison Street, Suite 303, East Orange, New Jersey 07018, as consideration of and pursuant to the terms and conditions contained in the Settlement Agreement and Release annexed hereto.
 3. In exchange for execution of the Settlement Agreement and Release by Childress and Jackson, LLC, acceptable in form to Corporation Counsel and after passage of this resolution and upon receipt by the Corporation Counsel and the Director of Finance of any and all other documents deemed necessary, the Director of Finance of the City of Newark is hereby authorized to issue a check made payable to Childress and Jackson, LLC, in the amount of \$8,720.00 (Eight Thousand Seven Hundred Twenty Dollars).
4. The within settlement and resolution 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 counsel and to eliminate all risks and future litigation costs.
5. Attached hereto is a certification of funds issued by the Director of Finance, City of Newark, which states that there are available sufficient, legally appropriated funds in the amount of \$8,720.00 (Eight Thousand Seven Hundred Twenty Dollars) for the purposes set forth hereinabove. A copy of the certification of funds issued shall be filed in the Office of the City Clerk together with this Resolution by the Corporation Counsel.
6. A fully executed copy of the Settlement Agreement and Release shall be filed in the Office of the City Clerk by the Corporation Counsel.
7. Resolution 7R9-g, October 3, 2012 is hereby repealed.
8. This Resolution shall be effective upon adoption in accordance with applicable State law.

STATEMENT

This resolution authorizes the settlement of a demand for payment from Childress and Jackson, LLC, in the amount of \$8,720.00 (Eight Thousand Seven Hundred Twenty Dollars), in exchange for the execution of a Settlement Agreement and Release and repeals Resolution 7R9-g, October 3, 2012.