



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 12-1782, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: N/A

Claimant: The Institute for Forensic Psychology

Claimant's Attorney: None

Attorney's Address: 5 Fir Court, Suite 2, Oakland, New Jersey 07436

Settlement Amount: \$55,880.00

Funding Source: Fund 025, Dept. 25T, Agency 7T25, Acct 96340

Additional Comments:

Invitation: Corporation Counsel, December 18, 2012

WHEREAS, the Police Department was in need of psychological evaluations of certain members of its personnel with regards to Fitness For Duty; and

WHEREAS, the City of Newark had a previous service agreement with The Institute for Forensic Psychology to provide such services approved by Resolution 7R11-a 060309, for one year from January 1, 2009 through December 31, 2009 for an amount not to exceed \$80,000.00; and

WHEREAS, The Institute for Forensic Psychology continued to provide services during 2010 and 2011; and

WHEREAS, the Corporation Counsel has confirmed that the City received the benefit of those services; and

WHEREAS, The Institute for Forensic Psychology has submitted invoices and statements of account 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; and

WHEREAS, the parties have agreed to settle the matter for the payment by the City of Newark of the sum of \$55,880.00 in one lump sum, in exchange for a Settlement Agreement and General Release as a full and complete settlement of all of The Institute for Forensic Psychology's claims, including any claims for attorney's fees; and

WHEREAS, the Corporation Counsel based upon all facts and circumstances deems it 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 IT BE RESOLVED BY 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 Director of Finance is hereby authorized and directed to issue a check in the amount of Fifty-Five Thousand Eight Hundred and Eighty Dollars (\$55,880.00) made payable as follows: The Institute for Forensic Psychology - Fifty-Five Thousand Eight Hundred and Eighty Dollars (\$55,880.00) delivered to The Institute for Forensic Psychology, 5 Fir Court, Suite 2, Oakland, New Jersey 07436, as consideration of and pursuant to the terms and conditions contained in the Settlement Agreement and Release and upon receipt by the Corporation Counsel of all documents deemed necessary.

3. 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.

4. Annexed hereto is the Certification of the Comptroller of the City of Newark which states that there are available sufficient legally appropriated funds from Fund 025, Agency 25T, Organization 7T25 and Object 96340 for the purpose set forth hereinabove.

5. A copy of the Comptroller's Certification and a fully executed copy of the Settlement Agreement and Release shall be filed in the Office of the City clerk along with this Resolution by the Corporation Counsel.

STATEMENT

The purpose of the within Resolution is the settlement of a demand for payment from The Institute for Forensic Psychology in the amount of Fifty-Five Thousand Eight Hundred and Eighty Dollars (\$55,880.00) in exchange for the execution of a Settlement Agreement and Release.