



NORWOOD, OHIO

Ordinance No. 3 20 22

ORDINANCE AUTHORIZING THE SETTLEMENT OF A CLAIM BY MEG ALBERS AND DECLARING AN EMERGENCY

WHEREAS, Meg Albers has made claims against the City of Norwood and various City officials in their official capacities under the Open Meetings Act and Open Records Act; and

WHEREAS, the Law Department has concluded that it is in the interest of the City of Norwood to settle and compromise the claims described in *State ex rel. Albers v. City of Norwood et al.*, now therefore,


BE IT ORDAINED by the Council of the City of Norwood, State of Ohio, that:

SECTION 1. The Law Director and the Assistant Law Director are authorized to execute an Agreed Judgment Entry substantially similar to that attached as Exhibit A.

SECTION 2. The City Auditor is hereby authorized to draw, and the City Treasurer is authorized to pay, warrants in the amounts and according to the amounts described in Exhibit A, including \$1500 in statutory forfeitures to Meg Albers, attorneys fees to the law firm of Barron, Peck, Bennie & Schlemmer, Co. LPA, and court costs, out of FUND 01-0400-57200 CONTRACTUAL EXPENSES, including the Agreed Judge Entry.

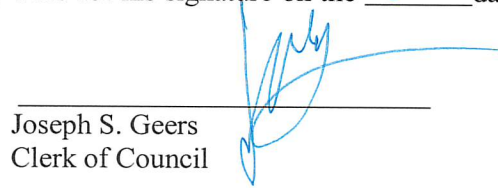
SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, to resolve the claim pending in the Hamilton County Court of Common Pleas, and to avoid further time and attorneys fees spent on this matter.

PASSED 2/8/2022
Date

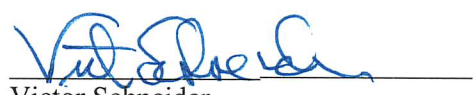

Ken Miracle Eric Thompson
President of Council - Pro-Tem

ATTEST:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was passed at regular/special meeting of Norwood City Council on the 8th day of February, 2022 in compliance with the rules of Norwood City Council and the laws of the State of Ohio. The foregoing ordinance was submitted to the Mayor of the City of Norwood, Ohio for his signature on the 8th day of February, 2022.


Joseph S. Geers
Clerk of Council

APPROVED 8 FEB 22
Date


Victor Schneider
Mayor

CERTIFICATION OF PUBLICATION:

Joseph S. Geers, the duly appointed Clerk of Council, attests that this ordinance was published in the

Civi. Eng. on 2/28/22 and 3/17/22.
(Name of Newspaper) (date) (date)



Joseph S. Geers
Clerk of Council

1st Reading ~~2/28/2022~~ 1/25/2022
Date

2nd Reading 1/27/2022
Date

3rd Reading 2/8/2022
Date

All 3 Readings _____
Date

Tabled _____
Date

Vetoed _____
Date

**HAMILTON COUNTY
COURT OF COMMON PLEAS**

**STATE OF OHIO, ex rel,
MEG ALBERS**

CASE NO. A2101188

Relator,

JUDGE: Cross

vs.

THE CITY OF NORWOOD, et al

Respondents.

AGREED JUDGMENT ENTRY

By agreement of the parties, and the Court having been sufficiently advised, now therefore:

IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

1. State ex rel. Meg Albers filed this Action under the Open Records Act and Open Meetings Act and requested injunctive relief and an order of mandamus be entered against Respondents the City of Norwood, Ken Miracle, Chris Kelsch, Eric DiNardo, Eric Thompson, John Breadon, James Bonsall, Michael Gabbard, Matt Geraci, the Norwood Board of Zoning Appeals, Bernie Suer, Chris Brown, Sandra Kelley, and Andrew More (collectively, the “Respondents”).

2. The Open Meetings Act and Open Records Act are aimed at ensuring openness and accountability in government, affording citizens the opportunity to observe the conducting of the public’s business, and guaranteeing accountability of public officials.

3. The City of Norwood Council, the Council’s Committees, and the Board of Zoning Appeals are public bodies as defined in the Open Meetings act and the Open Records Act.

4. The Respondents represent that certain requested documents were not retained and are no longer available.

5. The Respondents warrant that since this litigation was filed, they have produced all responsive records still in their control.

6. R.C. 121.22(I) provides that upon proof of a violation or threatened violation of the Open Meetings Act, the Court shall issue an injunction to compel the members of the public to comply with its provisions.

7. R.C. 121.22(I) further provides that upon the issuance of the injunction, the Court shall order the public body to pay a civil forfeiture and the relator's reasonable attorney fees.

8. The Respondents agree to judgment in Relator's favor.

9. Accordingly, the Court hereby enjoins Respondents from conducting meetings in a manner that violates the Open Meetings Act under R.C. § 121.22.

10. The Court further enjoins Respondents from not properly retaining or otherwise unlawfully disposing of public records under R.C. § 149.351.

11. The Respondents are hereby ordered to pay to the Relator three separate civil forfeitures in the amount of \$500 each, for a total of \$1,500, Relator's reasonable attorney fees of \$10,200, and this Court's costs within 21 days of this order.

12. The Respondents acknowledge service of process and waive any needed amendments or defects with service.

13. The Respondents represents they were each afforded the opportunity to consult with legal counsel prior to entering into this agreement for entry of the final judgment.

14. As a result of this Agreed Judgment Entry, this will resolve and dispose of all claims against the Respondents, including their attorneys, relating to purported deficiencies in the

Respondents' and their committees' conduct under R.C. § 121.22 for the last two years.

15. Having resolved all claims against all parties, this is a final appealable judgment, and there is no just cause for delay.

DATED: _____, 2022

Judge Cross
Hamilton County Court of Common Pleas

HAVE SEEN AND AGREE:

/s/ Matt Miller-Novak

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/s/ Keith D. Moore

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