

ORDINANCE NO. 2000-61

AUTHORIZING SETTLEMENT OF THE MATTER OF UMBLE, GAYHART & JACOBSEN CPAs, INC. V. CITY OF MASON, TRUSTEE, ET AL., FILED IN THE COURT OF COMMON PLEAS, WARREN COUNTY, OHIO, AS CASE NO. 99CV56313 AND DECLARING AN EMERGENCY

WHEREAS, an action has been filed in the Warren County Court of Common Pleas by Umble Gayhart & Jacobsen CPAs, Inc. for non-payment of fees in connection with auditing services performed by Umble, Gayhart & Jacobsen CPAs, Inc. for audit years 1995-1998 for the Mason-Deerfield Joint Fire District; and

WHEREAS, an agreement has been reached among the parties, whereby the City of Mason, as Trustee of the Mason-Deerfield Joint Fire District, agrees to pay, and Umble, Gayhart & Jacobsen CPAs, Inc. agrees to accept, the sum of \$12,500.00 in full settlement of all claims or damages arising out of said lawsuit; and

WHEREAS, payment of the said settlement in the amount of \$12,500.00 is contingent upon dismissal of the claim, with prejudice, and full releases by Umble, Gayhart & Jacobsen CPAs, Inc. of the City of Mason, Trustee, the City of Mason, the Mason-Deerfield Joint Fire District and Deerfield Township for all claims arising from this matter, and dismissal by Deerfield Township of its counterclaim against Umble, Gayhart & Jacobsen CPAs, Inc., with prejudice.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Mason, Ohio, **six (6)** members elected thereto concurring:

Section 1. That settlement is hereby authorized in the amount of \$12,500.00 in full settlement of all claims or damages arising out of the lawsuit captioned Umbles, Gayhart & Jacobsen CPAs, Inc. v. City of Mason, Trustee, et al., Case No. 99CV56313 in the Warren County Court of Common Pleas.

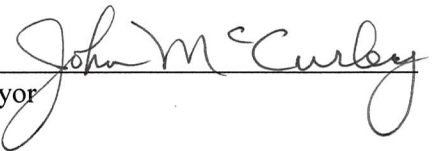
Section 2. That the City of Mason, Trustee of the Mason-Deerfield Joint Fire District, is hereby authorized and directed to pay to Umble, Gayhart & Jacobsen CPAs, Inc. the sum of \$12,500.00 from the District's remaining funds.

Section 3. That the Law Director for the City of Mason is hereby authorized and directed to execute and file any and all documents necessary to effectuate the dismissal of the above-captioned lawsuit.


Section 4. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare and shall be effective immediately upon its passage. The reason for said declaration of emergency is the need to settle this matter at the earliest possible date.

Passed this 8th day of May, 2000.

Mayor



Attest:


Clerk of Council