

## RESOLUTION 2023-16

### **A RESOLUTION AUTHORIZING THE EXECUTION OF AN ENGAGEMENT LETTER WITH THE LAW FIRM OF WESTON HURD FOR THE DEFENSE OF THE VILLAGE OF HIRAM AND ITS COUNCIL MEMBERS INDIVIDUALLY, ITS MAYOR, AND ITS POLICE DEPARTMENT AND CHIEF INDIVIDUALLY AND DECLARING AN EMERGENCY.**

**WHEREAS**, in early 2023 the Council of the Village of Hiram determined that the financial realities facing the Village compelled a reduction in the staffing of the Village Police Department and laid off a full-time police officer from the department on that basis; and

**WHEREAS**, On or about May 27, 2023, the Village was served with a complaint filed with the Ohio Civil Rights Commission (OCRC) primarily alleging, among other allegations, that the Village acted in a discriminatory fashion in selecting and determining the individual to be laid off under the needed reduction in force, and

**WHEREAS**, Village Solicitor Thomas Reitz submitted the OCRC complaint to the Villages' insurance carrier, accompanied by a request for a determination of coverage and defense, which request was reviewed and granted by the insurance carrier; and

**WHEREAS**, the insurance carrier selected the law firm of Weston Hurd, specifically Attorney Sara Cooper, to provide defense representation to the Village, and the Village Council wishes to formally engage the services of Weston Hurd to provide defense representation to the Village of Hiram, the Village of Hiram Police Department, the Village of Hiram Police Chief individually, the Mayor, and each of the six members of Council.

**NOW THEREFORE BE IT RESOLVED** by the Council of the Village of Hiram, two thirds or more of the members elected thereto concurring:

**Section 1:** That the law firm of Weston Hurd be engaged to provide the defense of the Village of Hiram, the Village of Hiram Police Department, the Village of Hiram Police Chief individually, the Mayor, and each of the six members of Council, against the complaint filed by former Hiram Police Officer Devin Brown with the Ohio Civil Rights Commission and any subsequent litigation on the allegations brought by Devin Brown, upon the terms and conditions set forth in substantial conformity with the attorney client privileged Letter of Engagement from Weston Hurd dated July 10, 2023 and previously provided to all of the Respondents to the Brown OCRC complaint.

**Section 2:** On behalf of the Village of Hiram the Council hereby acknowledges receipt of the attorney client privileged documents titled Guidelines for Preserving and Creating Communications and Document Preservation Procedure and authorizes the Mayor to execute these documents on behalf of the Village of Hiram.

**Section 3:** It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Revised Code of the State of Ohio.

**Section 4:** The Village Council finds that this Resolution is declared to be an emergency measure, effective immediately upon its passage in order to promote the health, safety and general welfare of the Village and for the further reason that the Letter of Engagement ~~attached hereto as Exhibit "A"~~ must be executed now so that Weston Hurd will have sufficient time to prepare a defense in advance of the response deadline to the OCRC of July 20, 2023, and to consult with respondents about the advisability of pursuing mediation.

Passed in Council on First Reading, July 11, 2023.

  
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Mayor Lou Bertrand

ATTEST:

  
\_\_\_\_\_  
Fiscal Officer Susan J. Skrovan-DeYoung

Approved as to form:

  
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Village Solicitor Thomas Reitz

I SUSAN DEYOUNG, Fiscal Officer of the Village of Hiram, Ohio, hereby certify that the foregoing Resolution or Ordinance No. 2023-16 has been duly posted in the required 5 places.  
7/12/2023 Susan J. Skrovan-DeYoung  
Date Fiscal Officer, Village of Hiram