

RESOLUTION No. 2439
A RESOLUTION EXPRESSING COUNCIL'S LACK OF
CONFIDENCE IN COUNCIL PRESIDENT TIMOTHY HOLTSBERRY

WHEREAS, Council concluded that the City could not afford and should not pay health insurance premiums on behalf of Members of Council; and,

WHEREAS, Former Councilman Stephen F. Hubbard and Council President Timothy Holtsberry subsequently brought suit against the municipality seeking personal compensation for the termination of health insurance coverage; and,

WHEREAS, Councilman Eureste prepared a letter expressing personal objection to Mr. Holtsberry's failure to disclose his intent to commence the litigation to the Electors when seeking election to the current term and objection to Mr. Holtsberry's retention of the office of President of Council while simultaneously proceeding with the litigation; and,

WHEREAS, A majority of Council directed the Law Director to prepare a Resolution formally declaring Council's concurrence with the sentiments expressed in the aforesaid letter; and,

WHEREAS, As a consequence of Council's acquiescence to advice from the Law Director urging all parties to refrain from conduct likely to generate unnecessary pre-trial publicity, no such Resolution was prepared or adopted; and,

WHEREAS, The suit initially brought by Mr. Holtsberry was dismissed by the Court of Appeals for failure to state a proper claim and a second suit brought by Mr. Holtsberry in the Court of Common Pleas was disposed of by the Court's allowance of a Summary Judgment denying Mr. Holtsberry's claim; and,

WHEREAS, Mr. Holtsberry has now commenced an appeal of the aforesaid Judgment; and,

WHEREAS, A majority of Council continues to believe that Council should voice its disapproval of Mr. Holtsberry's conduct and its concurrence with the criticisms of that conduct previously expressed by Mr. Eureste;

Now therefore, be it Resolved by the Council of the Municipality of Defiance, Ohio, that:

Section 1: Council expresses concurrence with the letter attached hereto and, for the reasons therein stated, declares that Council lacks confidence in Timothy Holtsberry as President of Council.

Section 2: It is found and determined that all legislative actions pertaining to the adoption of this Resolution were taken in Public Session and that all deliberations that affected or influenced any such legislative act, including all deliberations in Committee, were conducted in Public Session duly convened in accordance with law.

Section 3: This Resolution shall be effective on the earliest date permitted by law.

Passed: October 30, 2012 Darrell Handy
President Pro Tem of Council

Attest: Lisa Elders, Clerk

Votes in Favor of Adoption: 6
Votes Opposed to Adoption: 1

Approved: October 30, 2012 Bob Armstrong
Mayor