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RESOLUTION NO. 2009-507		First Reading Passage Requested		
		(J. Dodson)		
SPONSOR _	Mr. Pry and Mr. Kostandaras			
DATE	December 14, 2009	COMMITTEE:	Rules	

A Resolution authorizing the County Executive to execute agreements with any Summit County municipality whereby the County Prosecutor will represent those municipalities in the commencement and prosecution of a legal action, including, but not limited to, claims for declaratory judgment and injunctive relief, against the Northeast Ohio Regional Sewer District regarding its attempt to assert jurisdiction to manage stormwater within communities in Summit County and its attempt to impose fees, taxes or assessments for the management of the stormwater, for the Executive's Department of Law, and declaring an emergency.

WHEREAS, Section 302.21 of the Ohio Revised Code provides that the County Executive, with the consent of this Council, may enter into a contract with a municipality, whereby the County agrees to perform a function of that municipality on behalf of the municipality; and

WHEREAS, the County may designate within said agreement which County office will perform the municipality's function under the agreement; and

WHEREAS, pursuant to Resolution No. 2009-473, this Council opposed the Northeast Ohio Regional Sewer District's ("NORSD") attempt to assert jurisdiction to manage stormwater within communities in Summit County, Ohio and its attempt to impose fees, taxes or assessments for the management of the stormwater; and

WHEREAS, the County of Summit has standing to bring a legal action, including, but not limited to, claims for declaratory judgment and injunctive relief against NORSD seeking, among other items, a court order declaring that NORSD lacks jurisdiction to manage stormwater within Summit County and impose said fees, taxes or assessment and an order enjoining NORSD from attempting to manage stormwater in Summit County and impose said fees, taxes or assessments; and

WHEREAS, the County Executive intends to file the aforementioned legal action against NORSD; and

WHEREAS, the County Prosecutor will represent that County in said action; and

WHEREAS, due to budgetary constraints and the cost of legal services, certain municipalities within Summit County with similar interests to those of the County against NORSD have expressed an interest to the County Executive and County Prosecutor that the County, through the County Prosecutor, also represent those communities in the aforementioned action; and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the County of Summit to authorize the County Executive to enter into agreements with any Summit County municipality whereby the County Prosecutor will represent those municipalities in the aforementioned legal action against NORSD.

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RESOLUTION NO. 2009-507
PAGE TWO

NOW, THEREFORE, BE IT RESOLED by the Council of the County of Summit, State of Ohio, that:

SECTION 1

The County Executive is hereby authorized to execute agreements with any Summit County municipality whereby the County Prosecutor will represent those municipalities in the commencement and prosecution of a legal action, including, but not limited to, claims for declaratory judgment and injunctive relief, against the Northeast Ohio Regional Sewer District regarding its attempt to assert jurisdiction to manage stormwater within communities in Summit County and its attempt to impose fees, taxes or assessments for the management of the stormwater.

SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason to immediately authorize the County Executive to enter into such contracts so that the County may begin the aforementioned legal action as soon as possible.

SECTION 3

Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect and be in force at the earliest time provided by law.

SECTION 4

It is 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,

INTRODUCED December 14, 2009

ADOPTED

December 14, 2009

CLERK OF/QOUNCIL

PRESIDENT OF COUNCIL

APPROVED

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December 15, 2009

December 15, 2009

ENACTED EFFECTIVE

Voice Vote: 10-1 YES: Comunale, Crossland, Feeman, Kostandaras, Poda, Prentice, Rodgers, Schmidt, Shapiro, Smith NO- Crawford