

1 RESOLUTION NO 2010-409

**First Reading Passage Requested**

J. Dodson

2  
3 SPONSOR Mr. Pry

4  
5 DATE September 27, 2010

COMMITTEE Planning

6  
7 **A Resolution declaring the recent flood at 31-37 N. Main St., Akron, Ohio 44308 to be an**  
8 **emergency pursuant to Section 177.07(a)(3) of the Codified Ordinances of the County of**  
9 **Summit, and authorizing the County Executive to enter into contracts for the cleanup,**  
10 **renovation and restoration of that building without complying with the competitive bidding**  
11 **procedures of Chapter 177, for the Executive's Department of Job and Family Services and**  
12 **Administrative Services, and declaring an emergency.**

13  
14 WHEREAS, in the early morning hours of September 14, 2010, a pipe located in a fourth  
15 floor restroom of the building located at 31-37 N. Main St., Akron, Ohio 44308 (hereinafter  
16 "Building 2"), ruptured and flooded significant portions of floors 1, 2, 3 and 4 of Building 2; and  
17

18 WHEREAS, the water damage to Building 2 as a result of the flood is substantial,  
19 resulting in damage to the floors, ceilings, walls, system infrastructure, equipment and furniture  
20 located within Building 2, thereby requiring half of each floor to essentially be "guttled" as a  
21 result of the flood; and  
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23 WHEREAS, Building 2 serves as some of the offices for the County Executive's  
24 Department of Job and Family Services and is a critical facility for the ongoing operation of that  
25 agency and the services provided to the public by that agency; and  
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27 WHEREAS, the County Executive has taken certain steps necessary to stop the flood and  
28 begin the cleanup and mitigation of the damage caused by the flood, including engaging certain  
29 contractors for the cleanup and mitigation of the damage; and  
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31 WHEREAS, in addition to the cleanup and mitigation of the damage, it will be necessary  
32 for the County to engage one or more contractors to renovate and restore Building 2 and the  
33 furniture and equipment therein; and  
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35 WHEREAS, given the critical nature of Building 2 to the operation of the Department of  
36 Job and Family Services, it is critical to cleanup, renovate and restore Building 2 as quickly as  
37 possible, and time is of the essence in doing so; and  
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39 WHEREAS, Section 177.07(a)(3) of the Codified Ordinances of the County of Summit  
40 permits the County Executive to enter into agreements without following the competitive bidding  
41 process in times of emergency; and  
42

43 WHEREAS, this Council finds and determines that the flood to Building 2 constitutes an  
44 emergency under Section 177.07(a)(3) of the Codified Ordinances of the County of Summit and  
45 further finds and determines that it is necessary and in the best interest of the County to authorize  
46 the County Executive to enter into such agreements with contractors and other vendors as he  
47 determines necessary to cleanup, renovate and restore Building 2 without having to comply with  
48 the competitive bidding process;  
49

50 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
51 of Ohio, that:

Voice Vote: 10-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras  
Poda, Rodgers, Schmidt, Shapiro, Smith ABSENT: Prentice

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SECTION 1

This Council hereby finds and determines that the aforementioned flood of Building 2 constitutes an emergency pursuant to Section 177.03(a)(3).

SECTION 2

As a result of the emergency circumstances, this Council hereby authorizes the County Executive to enter into contracts with certain vendors and contractors for the cleanup, renovation and restoration of Building 2, that is necessary as a result of the aforementioned flood, without complying with the competitive bidding procedures outlined in Chapter 177, provided, however, that each contract shall be approved by the Board of Control, and the County Executive, where time permits, shall obtain three quotes for any work to be performed prior to entering into a contract for the work.

SECTION 3

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 allow for the immediate cleanup, renovation and restoration of Building 2.

SECTION 4

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 5

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 any of its committees that resulted in such formal action were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED September 27, 2010

ADOPTED September 27, 2010

Shirley P. Greer  
CLERK OF COUNCIL

Shirley Poda  
PRESIDENT

APPROVED September 27, 2010

Russell W. Poy  
EXECUTIVE

September 27, 2010  
ENACTED EFFECTIVE