

1 RESOLUTION NO. 2014-418

2
3 SPONSOR Mr. Pry

4
5 DATE September 22, 2014

COMMITTEE Rules

6
7 **A Resolution authorizing the County Executive to execute Change Order No. 1 to a**
8 **professional service contract with Roetzel & Andress, subject to the approval of the Board**
9 **of Control, to provide legal representation and services to County of Summit defendants in**
10 **a lawsuit, Keith Goodwin, et al. v. County of Summit, Ohio, et al., Case No. 5:14-CV-00121**
11 **before Judge Sara Lioi in the U.S. District Court, Northern District of Ohio, Eastern**
12 **Division, in an amount not to exceed \$25,000.00 (for an increase of 100%), for a total**
13 **amount not to exceed \$50,000.00, for the Executive's Department of Law, Insurance and**
14 **Risk Management, and declaring an emergency.**

15
16 WHEREAS, on January 17, 2014, Keith Goodwin and Keith Heating and Cooling, Inc.
17 filed a lawsuit against the County of Summit and various County officials ("County of Summit
18 defendants"), Keith Goodwin, et al. v. County of Summit, Ohio, et al., Case No. 5:14-CV-00121
19 before Judge Sara Lioi in the U.S. District Court, Northern District of Ohio, Eastern Division
20 (the "Litigation"), alleging a deprivation of civil rights as a result of the County Office of
21 Consumer Affairs' investigation of Keith Heating and Cooling, Inc.; and

22
23 WHEREAS, the Board of Control, at its meeting on January 29, 2014, awarded a
24 professional service contract to Roetzel & Andress to provided legal representation and services
25 to the County of Summit defendants in the Litigation, in an amount not to exceed \$250.00 per
26 hour, for a total amount not to exceed \$25,000.00; and

27
28 WHEREAS, it is necessary to authorize the County Executive to execute Change Order
29 No. 1 to the professional service contract with Roetzel & Andress, subject to the approval of the
30 Board of Control, to continue to provide legal representation and services to the County of
31 Summit defendants in the Litigation in an amount not to exceed \$25,000.00 (for an increase of
32 100%), for a total amount not to exceed \$50,000.00; and

33
34 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
35 that it is necessary and in the best interest of the County of Summit to authorize the County
36 Executive to execute Change Order No. 1 to the professional service contract with Roetzel &
37 Andress, subject to the approval of the Board of Control, in an amount not to exceed \$25,000.00
38 (for an increase of 100%), for a total amount not to exceed \$50,000.00, for the aforementioned
39 reason;

40
41 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
42 that:

43
44 SECTION 1

45
46 The County Executive is hereby authorized to execute Change Order No. 1 to a
47 professional service contract with Roetzel & Andress, subject to the approval of the Board of
48 Control, to provide legal representation and services to the County of Summit and various
49 County of Summit officials ("County of Summit defendants") in a lawsuit, Keith Goodwin, et al.
50 v. County of Summit, Ohio, et al., Case No. 5:14-CV-00121 before Judge Sara Lioi in the U.S.
51 District Court, Northern District of Ohio, Eastern Division (the "Litigation"), in an amount not to
52 exceed \$25,000.00 (for an increase of 100%), for a total amount not to exceed \$50,000.00.

1 RESOLUTION NO. 2014-418

2 PAGE TWO

3
4 SECTION 2

5
6 This Resolution is hereby declared to be an emergency in the interest of the health, safety
7 and welfare of the citizens of the County of Summit and for the further reason that it is necessary
8 to immediately authorize Change Order No. 1 to a professional service contract with Roetzel &
9 Andress to continue its representation of the County of Summit defendants in the Litigation.

10
11 SECTION 3

12
13 Provided this Resolution receives the affirmative vote of eight members, it shall take
14 effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect
15 and be in force at the earliest time provided by law.

16
17 SECTION 4

18
19 It is found and determined that all formal actions of this Council concerning and relating
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
21 deliberations of this Council and any of its committees that resulted in such formal action were in
22 meetings open to the public, in compliance with legal requirements, including Section 121.22 of
23 the Ohio Revised Code.

24
25
26 INTRODUCED September 8, 2014

27
28 ADOPTED September 22, 2014

29
30
31
32 CLERK OF COUNCIL

33
34
35
36
37
38
39
40
PRESIDENT OF COUNCIL

41 APPROVED September 22, 2014

42 EXECUTIVE

43 ENACTED EFFECTIVE September 22, 2014

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro