

1 RESOLUTION NO. 2016-461

2
3 SPONSOR Ms. Shapiro

4
5 DATE January 30, 2017

COMMITTEE Rules

6
7 **A Resolution confirming the award by the Board of Control of Change Order No. 4 to a**
8 **professional service contract with Roetzel and Andress, LPA to provide legal**
9 **representation and services to the County of Summit related to a lawsuit, Lyn Watters v.**
10 **Summit County, Ohio, et al., in an amount not to exceed \$7,510.00 (430.04% cumulative**
11 **increase), for a total amount not to exceed \$132,510.00, for the Executive's Department of**
12 **Law, Insurance and Risk Management, and declaring an emergency.**

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14 WHEREAS, the Board of Control previously adopted Directive No. 291-14, which
15 awarded a professional service contract with Roetzel and Andress, LPA to provide legal
16 representation and services to the County of Summit related to a lawsuit, Lyn Watters v. Summit
17 County, Ohio, et al., Case No. 5:14-CV-2390, before Magistrate Judge George J. Limbert in the
18 United States District Court for the Northern District of Ohio (the "Lawsuit"), in an amount not
19 to exceed \$25,000.00; and

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21 WHEREAS, County Council previously adopted Resolution No. 2015-141, which
22 confirmed the award by the Board of Control of Change Order No. 1 to the aforementioned
23 professional service contract, in an amount not to exceed \$25,000.00 (for an increase of 100%),
24 for a total amount not to exceed \$50,000.00; and

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26 WHEREAS, Council also previously adopted Resolution No. 2015-350, which confirmed
27 the award by the Board of Control of Change Order No. 2 to the aforementioned professional
28 service contract, in an amount not to exceed \$25,000.00 (200% cumulative increase), for a total
29 amount not to exceed \$75,000.00; and

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31 WHEREAS, Council also previously adopted Resolution No. 2016-133, which confirmed
32 the award by the Board of Control of Change Order No. 3 to the aforementioned professional
33 service contract, in an amount not to exceed \$50,000.00 (400% cumulative increase), for a total
34 amount not to exceed \$125,000.00; and

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36 WHEREAS, Council also previously adopted Resolution No. 2016-351, which
37 authorized the County Executive to execute a settlement agreement, in an amount not to exceed
38 \$5,000.00, to settle all claims arising out of or concerning issues raised in the Lawsuit; and

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40 WHEREAS, there are outstanding costs related to the legal representation and services
41 provided to the County by Roetzel and Andress, LPA, in an amount not to exceed \$7,510.00,
42 which requires Change Order No. 4 to the aforementioned professional service contract; and

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44 WHEREAS, the Board of Control, at its December 7, 2016 meeting, awarded Change
45 Order No. 4 to the aforementioned professional service contract, in an amount not to exceed
46 \$7,510.00 (430.04% cumulative increase), for a total amount not to exceed \$132,510.00, subject
47 to confirmation by County Council; and

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49 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
50 that it is necessary and in the best interest of the County of Summit to confirm the award by the
51 Board of Control of Change Order No. 4 to the aforementioned professional service contract
52 with Roetzel and Andress, LPA, in an amount not to exceed \$7,510.00;

Voice Vote: YES 11-0 Crawford, Dickinson, Donofrio, Feeman, Hamilton, Koehler, Prentice, Rodgers, Schmidt, Walters, Wilhite

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2 PAGE TWO

3
4 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
5 that:

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7 SECTION 1

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9 The award by the Board of Control of Change Order No. 4 to a professional service
10 contract with Roetzel and Andress, LPA to provide legal representation and services to the
11 County of Summit related to a lawsuit, Lyn Watters v. Summit County, Ohio, et al., Case No.
12 5:14-CV-2390, before Magistrate Judge George J. Limbert in the United States District Court for
13 the Northern District of Ohio (the "Lawsuit"), in an amount not to exceed \$7,510.00 (430.04%
14 cumulative increase), for a total amount not to exceed \$132,510.00, is hereby confirmed and the
15 County Executive is hereby authorized to execute said Change Order No. 4 and any other
16 necessary related documents.

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18 SECTION 2

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20 This Resolution is hereby declared to be an emergency in the interest of the health, safety
21 and welfare of the citizens of the County of Summit and for the further reason that it is necessary
22 to immediately confirm Change Order No. 4 to a necessary professional service contract with
23 Roetzel and Andress, LPA to address outstanding costs related to legal representation and
24 services provided to the County by Roetzel and Andress, LPA in the Lawsuit.

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26 SECTION 3

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


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32 SECTION 4

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


39
40 INTRODUCED December 12, 2016

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42 ADOPTED January 30, 2017

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44 
45 CLERK OF COUNCIL

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PRESIDENT OF COUNCIL

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47 APPROVED January 31, 2017

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49 
50 EXECUTIVE

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52 ENACTED EFFECTIVE January 31, 2017