

RESOLUTION NO. 2009-338

SPONSOR Mr. Pry

DATE September 28, 2009

COMMITTEE Personnel

A Resolution confirming an award by the Board of Control of Change Order #3 to a professional service contract with Blaugrund, Herbert and Martin, Incorporated, to provide legal representation and services to the County of Summit and John J. Guy, the receiver for Edwin Shaw Hospital for Rehabilitation in the case, Ohio Public Employees Retirement System v. Akron General Medical Center, County of Summit and Edwin Shaw Hospital for Rehabilitation, Case No. 07DVH 11-15705, in the Franklin County Court of Common Pleas, in an amount not to exceed \$50,000.00 (for an increase of 142.86% and a cumulative increase of 385.72%), for the Executive's Department of Law, and declaring an emergency.

WHEREAS, County Council previously adopted Resolution No. 2008-019, which confirmed the award of a professional services contract with Blaugrund, Herbert and Martin, Inc. to provide legal services, regarding Ohio Public Employees Retirement System v. Akron General Medical Center, County of Summit and Edwin Shaw Hospital for Rehabilitation, Case No. 07DVH 11-15705, in an amount not to exceed \$35,000.00; and

WHEREAS, County Council subsequently adopted Resolution No. 2008-128, which approved Change Order #1 to the professional services contract with Blaugrund, Herbert and Martin, Inc., to provide legal services in said case for an additional amount not to exceed \$35,000.00 (for an increase of 100%); and

WHEREAS, County Council subsequently adopted Resolution No. 2008-374, which approved Change Order #2 to the professional services contract with Blaugrund, Herbert and Martin, Inc., to provide legal services in said case for an additional amount not to exceed \$55,000.00 (for an increase of 142.86% and a cumulative increase of 242.86%); and

WHEREAS, it is now necessary to authorize additional funds to Blaugrund, Herbert and Martin, Inc., in an amount not to exceed \$50,000.00 to continue the defense of the County in said case; and

WHEREAS, County Council has determined by reviewing all pertinent information that this change order is necessary and in the best interest of the County of Summit;

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

SECTION 1

The County Executive is hereby authorized to execute Change Order #3 to a professional services contract with Blaugrund, Herbert and Martin, Inc., to provide additional legal services regarding Ohio Public Employees Retirement System v. Akron General Medical Center, County of Summit and Edwin Shaw Hospital for Rehabilitation, Case No. 07DVH 11-15705, in an amount not to exceed \$50,000.00 (for an increase of 142.86% and a cumulative increase of 385.72%).

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 provide additional legal services regarding Ohio Public Employees Retirement System v. Akron General Medical Center, County of Summit and Edwin Shaw Hospital for Rehabilitation, Case No. 07DVH 11-15705.

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.

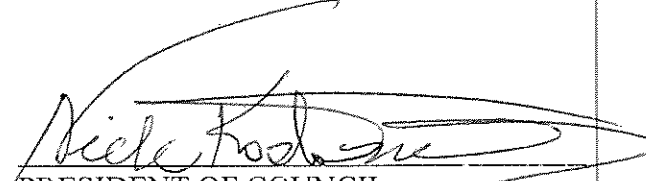
SECTION 4

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, were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

INTRODUCED September 14, 2009

ADOPTED September 28, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED September 28, 2009


EXECUTIVE

ENACTED EFFECTIVE September 28, 2009

Voice Vote: 8-0 YES: Comunale, Crawford, Crossland, Feeman, Kostandaras
Prentice, Schmidt, Smith ABSENT: Shapiro, Poda, Rodgers