

RESOLUTION NO. 2009-085

SPONSOR Mr. Pry

DATE March 16, 2009

COMMITTEE Rules

An amended Resolution confirming an award by the Board of Control of Change Order #1 #2 with Millisor and Nobil to provide additional legal services relating to State, ex rel. Patti Schachter v. Ohio Public Employees Retirement Board and Board of County Commissioners Summit County, Ohio, Case No. 07APD05-0444, before the Tenth District Court of Appeals, and Case No. 2008-1561, before the Ohio Supreme Court, in an amount not to exceed \$10,000.00 (for a cumulative increase of 128.57%), for a total contract amount of \$80,000.00, for the Executive's Department of Law, and declaring an emergency.

WHEREAS, County Council previously adopted Resolution No. 2007-506, which confirmed the award by the Board of Control of a professional service contract with Millisor and Nobil to provide legal services relating to State, ex rel. Patti Schachter v. Ohio Public Employees Retirement Board and Board of County Commissioners Summit County, Ohio, Case No. 07APD05-0444, before the Tenth District Court of Appeals; and

WHEREAS, Council subsequently adopted Resolution No. 2008-107, which confirmed the award by the Board of Control of Change Order #1 with Millisor and Nobil to provide additional legal services in the aforementioned case, in the amount of \$35,000.00 (a 100% increase), for a total contract amount of \$70,000.00; and

WHEREAS, the County received a favorable ruling by the Tenth District, which was appealed by Ms. Schachter to the Ohio Supreme Court as Case No. 2008-1561; and

WHEREAS, an additional \$10,000.00 is required to cover legal expenses through oral argument before the Ohio Supreme Court; and

WHEREAS, the Board of Control, at its meeting held February 25, 2009, awarded Change Order #2 to with Millisor and Nobil for additional legal services in the aforementioned cases, in the amount of \$10,000.00 (for a cumulative increase of 128.57%), for a total contract amount of \$80,000.00, subject to Council approval; and

WHEREAS, Resolution No. 2007-506 authorized entering into a professional service agreement with Millisor and Nobil for legal services relating to the aforementioned case, in an amount not to exceed \$35,000.00; and,

WHEREAS, County Council has determined by reviewing all pertinent information that Change Order #2 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 award by the Board of Control of Change Order #2 with Millisor and Nobil to provide additional legal services relating to State, ex rel. Patti Schachter v. Ohio Public

SECTION 1 (Cont.)

Employees Retirement Board and Board of County Commissioners Summit County, Ohio, Case No. 07APD05-0444, before the Tenth District Court of Appeals, and Case No. 2008-1561, before the Ohio Supreme Court, in an amount not to exceed \$10,000.00 (for a cumulative increase of 128.57%), for a total contract amount of \$80,000.00, is hereby confirmed and the County Executive is hereby authorized to execute such contract.

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 purpose of immediately providing additional legal services relating to State, ex rel. Patti Schachter v. Ohio Public Employees Retirement Board and Board of County Commissioners Summit County, Ohio, Case No. 07APD05-0444, before the Tenth District Court of Appeals, and Case No. 2008-1561, before the Ohio Supreme Court.

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.

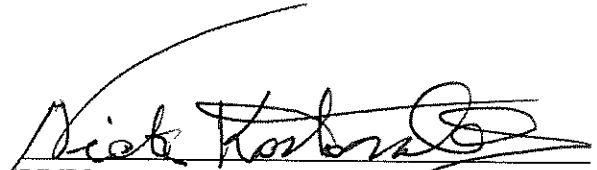
SECTION 4

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 March 2, 2009

ADOPTED March 16, 2009


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED March 16, 2009


EXECUTIVE

ENACTED EFFECTIVE March 16, 2009

Voice Vote: 11-0 YES: Crossland, Schmidt, Comunale, Poda, Prentice
Smith, Crawford, Feeman, Rodgers, Shapiro, Kostandaras