

1 RESOLUTION NO 2010-531

LATE FILING

2
3 SPONSOR Mr. Pry

4
5 DATE December 20, 2010

COMMITTEE Planning

6
7 **A Resolution declaring the need to repair the residential correctional facility located at 222**
8 **Power Street, Akron, Ohio, in Council District 4, to be an emergency pursuant to Section**
9 **177.07(a)(3) of the Codified Ordinances of the County of Summit, and authorizing the**
10 **County Executive to enter into an agreement for the repair of the facility without**
11 **complying with the competitive bidding procedures of Chapter 177, for the Executive's**
12 **Department of Administrative Services, and declaring an emergency.**

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14 WHEREAS, the County is the owner of a residential correctional facility located at 222
15 Power Street, Akron, Ohio, operated by Oriana House, Inc. pursuant to an operating agreement
16 with the County; and

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18 WHEREAS, water damage and erosion have damaged the facility and necessitate
19 extensive foundational repair work; and

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21 WHEREAS, as a result of the damage to the foundation, the facility is currently
22 inhabitable and has temporarily been closed for use as a residential correctional facility; and

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24 WHEREAS, all of the occupants of the facility have been transferred to other correctional
25 facilities, thereby placing strains on those facilities; and

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27 WHEREAS, the State of Ohio has advised Oriana House, Inc. that the facility should be
28 repaired as expeditiously as possible so that the occupants can be transferred back into that
29 facility and out of the other facilities; and

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31 WHEREAS, pursuant to Resolution No. 2010-463, this Council authorized the Executive
32 to execute an amendment to the aforementioned operating agreement whereby Oriana House,
33 Inc. will pay for the necessary repairs, said amendment having subsequently been executed; and

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35 WHEREAS, pursuant to Resolution No. 2010-473, this Council authorized an agreement
36 with Karl Rohrer Associates, Inc. for the design of the necessary repairs, said design work
37 having subsequently commenced; and

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39 WHEREAS, the County Executive and Oriana House, Inc. anticipate that the design of
40 the necessary repairs will be completed in December 2010 and that time is of the essence in
41 procuring a third-party to perform the repair work; and

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43 WHEREAS, Section 177.07(a)(3) of the Codified Ordinances of the County of Summit
44 permits the County Executive to enter into agreements without following the competitive bidding
45 process in times of emergency; and

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47 WHEREAS, this Council finds and determines that the aforementioned situation
48 constitutes an emergency under Section 177.07(a)(3) of the Codified Ordinances of the County
49 of Summit and further finds and determines that it is necessary and in the best interest of the
50 County to authorize the County Executive to enter an agreement for the repair of the facility
51 without having to comply with the competitive bidding process;

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54 PAGE TWO

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

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59 SECTION 1

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61 This Council hereby finds and determines that the aforementioned damage to the
62 residential correctional facility located at 222 Power Street, Akron, Ohio, and the need to repair
63 the same as expeditiously as possible constitutes an emergency pursuant to Section 177.03(a)(3).

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65 SECTION 2

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67 As a result of the emergency circumstances, this Council hereby authorizes the County
68 Executive to enter into an agreement for the repair of the facility, without complying with the
69 competitive bidding procedures outlined in Chapter 177, provided, however, that the agreement
70 shall be approved by the Board of Control, and the County Executive shall obtain three quotes
71 for the work to be performed prior to submitting an agreement to the Board of Control for
72 approval.

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74 SECTION 3

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76 This Resolution is hereby declared an emergency in the interest of the health, safety and
77 welfare of the citizens of the County of Summit, and for the further reason to allow for the
78 expeditious repair of the aforementioned facility.

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80 SECTION 4

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

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85 SECTION 5

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

92
93 INTRODUCED November 29, 2010

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95 ADOPTED December 20, 2010

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97 *Walter Kimbrough SB.*
98 CLERK OF COUNCIL

99
100 *Tom Poda*
101 PRESIDENT

102
103 APPROVED December 21, 2010

Zursulm
EXECUTIVE

December 21, 2010
ENACTED EFFECTIVE

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