

1 RESOLUTION NO. 2017-131

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3 SPONSOR Ms. Shapiro

4
5 DATE April 17, 2017 COMMITTEE Rules

6
7 **A Resolution confirming the award by the Board of Control of Change Order No. 3 to a**
8 **professional service contract with Roetzel and Andress, LPA to provide legal**
9 **representation and services to County of Summit defendants in a lawsuit, Keith Goodwin,**
10 **et al. v. County of Summit, Ohio, et al., in an amount not to exceed \$25,000.00 (for a**
11 **cumulative increase of 300%), for a total amount not to exceed \$100,000.00, for the**
12 **Executive's Department of Law, Insurance and Risk Management, and declaring an**
13 **emergency.**

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15 WHEREAS, on January 17, 2014, Keith Goodwin and Keith Heating and Cooling, Inc.
16 filed a lawsuit against the County of Summit and various County officials (the "County of
17 Summit defendants"), Keith Goodwin, et al. v. County of Summit, Ohio, et al., Case No. 5:14-
18 CV-00121-SL before Judge Sara Lioi in the U.S. District Court, Northern District of Ohio,
19 Eastern Division (the "Lawsuit"), which is currently on appeal before the U.S. Sixth Circuit
20 Court of Appeals, Case No. 16-4193, alleging a deprivation of civil rights as a result of the
21 County Office of 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 and Andress, LPA to provide legal representation and
25 services to the County of Summit defendants in the Lawsuit, in an amount not to exceed \$250.00
26 per hour, for a total amount not to exceed \$25,000.00; and

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28 WHEREAS, County Council previously adopted Resolution No. 2014-418, which
29 authorized the County Executive to execute Change Order No. 1 to the professional service
30 contract with Roetzel and Andress, LPA, subject to the approval of the Board of Control, to
31 provide additional legal representation and services to the County of Summit defendants in the
32 Lawsuit, in an amount not to exceed \$25,000.00 (for an increase of 100%), for a total amount not
33 to exceed \$50,000.00; and

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35 WHEREAS, Council also previously adopted Resolution No. 2016-321, which confirmed
36 the award of Change Order No. 2 to the professional service contract with Roetzel and Andress,
37 LPA to provide additional legal representation and services to County of Summit defendants in
38 the Lawsuit, in an amount not to exceed \$25,000.00 (for an increase of 200%), for a total amount
39 not to exceed \$75,000.00; and

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41 WHEREAS, it is necessary for Roetzel and Andress, LPA to provide additional legal
42 representation and services to the County of Summit defendants in the Lawsuit, which is
43 currently on appeal before the U.S. Sixth Circuit Court of Appeals, Case No. 16-4193; and

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45 WHEREAS, the Board of Control, at its meeting held on March 29, 2017, awarded
46 Change Order No. 3 to the professional service contract with Roetzel and Andress, LPA to
47 provide additional legal representation and services to the County of Summit defendants in the
48 Lawsuit, in an amount not to exceed \$25,000.00 (for a cumulative increase of 300%), for a total
49 amount not to exceed \$100,000.00, subject to confirmation by County Council; and

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4 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
5 that it is necessary and in the best interest of the County of Summit to confirm the award by the
6 Board of Control of Change Order No. 3 to the professional service contract with Roetzel and
7 Andress, LPA, in an amount not to exceed \$25,000.00 (for a cumulative increase of 300%), for a
8 total amount not to exceed \$100,000.00, for the aforementioned reason;

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10 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
11 that:

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13 SECTION 1

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15 The award by the Board of Control of Change Order No. 3 to a professional service
16 contract with Roetzel and Andress, LPA to provide legal representation and services to the
17 County of Summit and various County of Summit officials (the "County of Summit defendants")
18 in a lawsuit, Keith Goodwin, et al. v. County of Summit, Ohio, et al., Case No. 5:14-CV-00121-
19 SL before Judge Sara Lioi in the U.S. District Court, Northern District of Ohio, Eastern Division
20 (the "Lawsuit"), which is currently on appeal before the U.S. Sixth Circuit Court of Appeals,
21 Case No. 16-4193, in an amount not to exceed \$25,000.00 (for a cumulative increase of 300%),
22 for a total amount not to exceed \$100,000.00, is hereby confirmed and the Executive is hereby
23 authorized to execute said Change Order No. 3 and any necessary related documents.

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25 SECTION 2

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27 This Resolution is hereby declared to be an emergency in the interest of the health, safety
28 and welfare of the citizens of the County of Summit and for the further reason that it is necessary
29 to immediately authorize Change Order No. 3 to the professional service contract with Roetzel
30 and Andress, LPA to continue its representation of the County of Summit defendants in the
31 Lawsuit.

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33 SECTION 3

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

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39 SECTION 4

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41 It is found and determined that all formal actions of this Council concerning and relating
42 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
43 deliberations of this Council and any of its committees that resulted in such formal action were in
44 meetings open to the public, in compliance with legal requirements, including Section 121.22 of
45 the Ohio Revised Code.
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5 INTRODUCED April 3, 2017

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7 ADOPTED April 17, 2017

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CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED April 18, 2017



EXECUTIVE

ENACTED EFFECTIVE April 18, 2017

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