

1 RESOLUTION NO. 2021-310

First Reading Passage Requested
(D. Matz)

2
3 SPONSOR Executive Shapiro

4
5 DATE October 4, 2021

COMMITTEE Rules

6
7 **A Resolution confirming the award by the Board of Control of a professional service**
8 **agreement with Roetzel & Andress, LPA, in an amount not to exceed \$36,000.00, toward the**
9 **costs of legal representation and services on behalf of the County, in the matter of State ex**
10 **rel. US Bank v Summit County, Ohio, Case Number 29889, before the Ohio Supreme Court,**
11 **for the Executive and the Fiscal Office, and declaring an emergency.**

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13 WHEREAS, this appeal, State ex rel. US Bank v Summit County, Ohio, Case Number
14 29889, before the Ohio Supreme Court (the "Appeal"), arises out of the filing of a petition for a
15 writ of mandamus before the Ninth District Court of Appeals by US Bank contesting the direct
16 transfer of properties that have been foreclosed upon using the expedited foreclosure proceeding
17 authorized by section 323.25 of the Ohio Revised Code; and

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19 WHEREAS, the Ninth District Court of Appeals dismissed the petition, which US Bank
20 has appealed to the Ohio Supreme Court as a matter of right; and

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22 WHEREAS, the Executive wishes to obtain counsel in order to protect the County's ability
23 to continue to use this expedited foreclosure proceeding to move vacant and abandoned properties
24 from the delinquent tax roll back into productive use generating real estate tax income; and

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26 WHEREAS, there are two other similar appeals filed before the Ohio Supreme Court, one
27 against Lucas County from the Sixth District Court of Appeals, and one against Cuyahoga County
28 from the Eighth District Court of Appeals, where in Roetzel & Andress, LPA provides
29 representation to the County parties and is thus fully familiar with the legal issues involved in these
30 cases; and

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32 WHEREAS, the Executive wishes to retain legal counsel with Roetzel & Andress, LPA to
33 represent the County in the Appeal due to the importance of the legal issues involved in preserving
34 the expedited foreclosure proceeding; and

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36 WHEREAS, the Board of Control, at its meeting held September 29, 2021, awarded a
37 professional service agreement with Roetzel & Andress, LPA, pursuant to Section 177.08 of the
38 Codified Ordinances of the County of Summit in the amount not to exceed \$36,000.00, subject to
39 confirmation by this Council; and

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41 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
42 that the aforementioned professional service agreement with Roetzel & Andress, LPA is necessary
43 and in the best interest of the County of Summit;

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

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48 SECTION 1

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50 The award by the Board of Control of a professional service agreement with Roetzel &

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1 RESOLUTION NO. 2021-310

2 PAGE TWO

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4 SECTION 1 (continued)

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6 Andress, LPA, in an amount not to exceed \$36,000.00, toward the costs of legal representation
7 and services on behalf of the County, in the matter of State ex rel. US Bank v Summit County,
8 Ohio, Case Number 29889, before the Ohio Supreme Court (the "Appeal") is hereby confirmed,
9 and the Executive is hereby authorized to execute said professional service agreement and any
10 other necessary related documents.

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12 SECTION 2

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14 This Resolution is hereby declared an emergency in the interest of the health, safety and
15 welfare of the residents of the County of Summit and for the further purpose of immediately
16 obtaining legal representation and services by legal counsel in the Appeal.

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18 SECTION 3

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

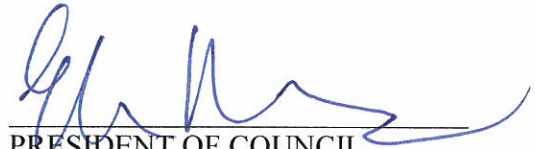
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24 SECTION 4

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

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33 INTRODUCED October 4, 2021

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35 ADOPTED October 4, 2021

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39 CLERK OF COUNCIL


PRESIDENT OF COUNCIL

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41 APPROVED October 5, 2021

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45 EXECUTIVE

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47 ENACTED EFFECTIVE October 5, 2021

Voice Vote - YES: 10-0: DeVitis, Dickinson, Donofrio,
Feeman, McKenney, Rodgers, Schmidt, Sims, Walters, Wilhite
ABSENT: Darrow