

1 RESOLUTION NO. 2022-281

2  
3 SPONSOR Executive Shapiro

4  
5 DATE October 3, 2022

COMMITTEE Rules

6  
7 **A Resolution confirming the award by the Board of Control of Change Order No. 1 to a**  
8 **professional service contract with Roetzel & Andress, LPA to provide legal representation**  
9 **and services in a lawsuit, *Evis Brinson v. Summit County, et al.*, in an amount not to exceed**  
10 **\$100,000.00 (for a cumulative increase of 133.33%), for a total amount not to exceed**  
11 **\$175,000.00, for the Executive’s Department of Law and Risk Management, and declaring**  
12 **an emergency.**

13  
14 WHEREAS, this Council previously adopted Resolution No. 2021-299, which authorized  
15 the Executive to execute a professional service contact with Roetzel & Andress, LPA, in an  
16 amount not to exceed \$75,000.00, toward the costs of legal representation and services in the  
17 matter of *Evis Brinson v. Summit County, et al.*, Case No. 5-21-cv-01638-SL, before Judge Sara  
18 Lioi in the United States District Court, Northern District of Ohio (the “Lawsuit”); and

19  
20 WHEREAS, additional legal representation and services by Roetzel & Andress, LPA are  
21 necessary to defend the Lawsuit; and

22  
23 WHEREAS, the Board of Control, at its meeting held September 7, 2022, awarded  
24 Change Order No. 1 to the aforementioned professional service contract with Roetzel & Andress,  
25 LPA, in an amount not to exceed \$100,000.00 (for a cumulative increase of 133.33%), for a total  
26 amount of \$175,000.00, subject to confirmation by this Council; and

27  
28 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
29 that the aforementioned Change Order No. 1 to said professional service contract with Roetzel &  
30 Andress, LPA to provide legal representation and services in the Lawsuit, is necessary and in the  
31 best interest of the County of Summit;

32  
33 NOW THEREFORE, BE IT RESOLVED, by the Council of the County of Summit, State  
34 of Ohio, that:

35  
36 SECTION 1

37  
38 The award by the Board of Control of Change Order No. 1 to a professional service  
39 contract with Roetzel & Andress, LPA to provide legal representation and services in the matter  
40 of *Evis Brinson v. Summit County, et al.*, Case No. 5-21-cv-01638-SL, before Judge Sara Lioi in  
41 the United States District Court, Northern District of Ohio (the “Lawsuit”), in an amount not to  
42 exceed \$100,000.00 (for a cumulative increase of 133.33%), for a total amount not to exceed  
43 \$175,000.00, is hereby confirmed and the Executive is hereby authorized to execute said Change  
44 Order and any necessary related documents.  
45

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2 PAGE TWO

3  
4 SECTION 2

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6 This Resolution is hereby declared an emergency in the interest of health, safety and  
7 welfare of the residents of the County of Summit, and for the further reason that it is necessary to  
8 immediately provides additional required legal representation and services in the Lawsuit.

9  
10 SECTION 3

11  
12 Provided this Resolution receives the affirmative vote of eight members, it shall take  
13 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
14 effect and be in force at the earliest time provided by law.

15  
16 SECTION 4

17  
18 It is found and determined that all formal actions of this Council concerning and relating  
19 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
20 deliberations of this Council and of any of its committees that resulted in such formal action,  
21 were in meetings open to the public, in compliance with all legal requirements, including Section  
22 121.22 of the Ohio Revised Code.

23  
24  
25 INTRODUCED September 19, 2022

26  
27 ADOPTED October 3, 2022

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30   
31 CLERK OF COUNCIL

  
32 PRESIDENT OF COUNCIL

33 APPROVED October 3, 2022

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37 EXECUTIVE

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39 ENACTED EFFECTIVE October 4, 2022

Voice Vote - YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio,  
McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite