

1 RESOLUTION NO. 2023-175

2

3 SPONSOR Executive Shapiro

4

5 DATE June 5, 2023

COMMITTEE Rules

6

7 **A Resolution authorizing the Executive, subject to Board of Control approval, to execute**  
8 **Change Order No. 2 to a professional service contract with Roetzel & Andress, LPA to**  
9 **provide legal representation and services in a lawsuit, *Evis Brinson v. Summit County, et al.*,**  
10 **in an amount not to exceed \$125,000.00 (for a cumulative increase of 300.00%), for a total**  
11 **amount not to exceed \$300,000.00, for the Executive’s Department of Law and Risk**  
12 **Management, and declaring 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, this Council subsequently adopted Resolution No. 2023-067, which  
21 confirmed the award of the Board of Control of Change Order No. 1 to a professional service  
22 contract with Roetzel & Andress, LPA to provide legal representation and services in the  
23 Lawsuit, in an amount not to exceed \$100,000.00 (for a cumulative increase of 133.33%), for a  
24 total amount not to exceed \$175,000.00; and

25

26 WHEREAS, additional legal representation and services by Roetzel & Andress, LPA are  
27 necessary to defend the Lawsuit; and

28

29 WHEREAS, Change Order No. 2 to a professional service contract with Roetzel &  
30 Andress, LPA to provide legal representation and services in a lawsuit, *Evis Brinson v. Summit*  
31 *County, et al.*, in an amount not to exceed \$125,000.00 (for a cumulative increase of 300.00%),  
32 for a total amount not to exceed \$300,000.00, will be presented for approval to the Board of  
33 Control at its meeting to be held on June 14, 2023; and

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35 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
36 that it is necessary and in the best interest of the County of Summit to authorize the Executive to  
37 execute, subject to the approval of the Board of Control, the aforementioned Change Order No. 2  
38 to said professional service contract with Roetzel & Andress, LPA to provide legal  
39 representation and services in the Lawsuit;

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

43

44 SECTION 1

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46 The Executive is hereby authorized to execute, subject to the approval of the Board of  
47 Control, Change Order No. 2 to a professional service contract with Roetzel & Andress, LPA to  
48 provide legal representation and services in a lawsuit, *Evis Brinson v. Summit County, et al.*, in  
49 an amount not to exceed \$125,000.00 (for a cumulative increase of 300.00%), for a total amount  
50 not to exceed \$300,000.00.

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4 SECTION 2

5

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.

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10 SECTION 3

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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.

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16 SECTION 4

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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.

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25 INTRODUCED June 5, 2023

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27 ADOPTED June 26, 2023

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29 DocuSigned by:  
  
30 \_\_\_\_\_  
31 F8D2DB132BE041B...  
CLERK OF COUNCIL

DocuSigned by:  
  
\_\_\_\_\_ C65A946FE4B442A...  
PRESIDENT OF COUNCIL

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33 APPROVED June 26, 2023

34

35 DocuSigned by:  
  
36 \_\_\_\_\_  
37 CBD33E40D287473...  
EXECUTIVE

38

39 ENACTED EFFECTIVE June 27, 2023