RESOLUTION NO. 2012-397

SPONSOR ______ Mr. Pry ________

DATE ___________ October 22, 2012 ______ COMMITTEE Rules ________

A Resolution authorizing the County Executive to execute a settlement agreement to settle all claims arising out of or concerning issues raised in two lawsuits, County of Summit v. Northeast Ohio Regional Sewer District, Case No. CV-2009-12-9273, before Judge Thomas Teodosio in the County of Summit Court of Common Pleas-General Division, and Northeast Ohio Regional Sewer District v. Bath Township, Ohio, et. al., Case No CV-10-714945, before Judge Thomas J. Pokorny in the Cuyahoga County Court of Common Pleas-General Division, for the Prosecutor, the Engineer and the Executive, and declaring an emergency.

WHEREAS, the County of Summit is a plaintiff in County of Summit v. Northeast Ohio Regional Sewer District, Case No. CV-2009-12-9273, before Judge Thomas Teodosio in the County of Summit Court of Common Pleas-General Division, and is a defendant in Northeast Ohio Regional Sewer District v. Bath Township, Ohio, et. al., Case No CV-10-714945, before Judge Thomas J. Pokorny in the Cuyahoga County Court of Common Pleas (collectively the “Cases”), both of which arise out of or concern the management of storm water in the Cities of Hudson and Macedonia, the Villages of Northfield and Richfield and Sagamore Hills Township (collectively the “Five Summit County Communities”); and

WHEREAS, in consultation with the County Prosecutor, the County Executive, the County Engineer and the Five Summit County Communities have reached terms of settlement with the Northeast Ohio Regional Sewer District to settle the Cases; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit to settle the Cases for the aforementioned reasons;

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

SECTION 1

The County Executive is hereby authorized to execute a settlement agreement to settle all claims arising out of or concerning issues raised in two lawsuits, County of Summit v. Northeast Ohio Regional Sewer District, Case No. CV-2009-12-9273, before Judge Thomas Teodosio in the County of Summit Court of Common Pleas-General Division, and is a defendant in Northeast Ohio Regional Sewer District v. Bath Township, Ohio, et. al., Case No CV-10-714945, before Judge Thomas J. Pokorny in the Cuyahoga County Court of Common Pleas (collectively the “Cases”). The settlement agreement shall include a release by the Northeast Ohio Regional Sewer District all claims against the County of Summit, the Cities of Hudson and Macedonia, the Villages of Northfield and Richfield and Sagamore Hills Township (collectively the “Five Summit County Communities”).
SECTION 2

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further purpose of immediately sparing County taxpayers and the taxpayers of the Five Summit County Communities further expense related to the Cases.

SECTION 3

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

SECTION 4

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

INTRODUCED October 1, 2012
ADOPTED October 22, 2012

CLERK OF COUNCIL

APPROVED October 23, 2012

EXECUTIVE

ENACTED EFFECTIVE October 23, 2012

Voice Vote: 11-0. YES: Comnale, Crawford, Feeman, Kostandaras, Kurt Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro