RESOLUTION NO. 2014-418

SPONSOR Mr. Pry

DATE September 22, 2014 COMMITTEE Rules

A Resolution authorizing the County Executive to execute Change Order No. 1 to a professional service contract with Roetzel & Andress, subject to the approval of the Board of Control, to provide legal representation and services to County of Summit defendants in a lawsuit, Keith Goodwin, et al. v. County of Summit, Ohio, et al., Case No. 5:14-CV-001121 before Judge Sara Lioi in the U.S. District Court, Northern District of Ohio, Eastern Division, in an amount not to exceed $25,000.00 (for an increase of 100%), for a total amount not to exceed $50,000.00, for the Executive’s Department of Law, Insurance and Risk Management, and declaring an emergency.

WHEREAS, on January 17, 2014, Keith Goodwin and Keith Heating and Cooling, Inc. filed a lawsuit against the County of Summit and various County officials (“County of Summit defendants”), Keith Goodwin, et al. v. County of Summit, Ohio, et al., Case No. 5:14-CV-001121 before Judge Sara Lioi in the U.S. District Court, Northern District of Ohio, Eastern Division (the “Litigation”), alleging a deprivation of civil rights as a result of the County Office of Consumer Affairs’ investigation of Keith Heating and Cooling, Inc.; and

WHEREAS, the Board of Control, at its meeting on January 29, 2014, awarded a professional service contract to Roetzel & Andress to provided legal representation and services to the County of Summit defendants in the Litigation, in an amount not to exceed $250.00 per hour, for a total amount not to exceed $25,000.00; and

WHEREAS, it is necessary to authorize the County Executive to execute Change Order No. 1 to the professional service contract with Roetzel & Andress, subject to the approval of the Board of Control, to continue to provide legal representation and services to the County of Summit defendants in the Litigation in an amount not to exceed $25,000.00 (for an increase of 100%), for a total amount not to exceed $50,000.00; 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 authorize the County Executive to execute Change Order No. 1 to the professional service contract with Roetzel & Andress, subject to the approval of the Board of Control, in an amount not to exceed $25,000.00 (for an increase of 100%), for a total amount not to exceed $50,000.00, for the aforementioned reason;

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

SECTION 1

The County Executive is hereby authorized to execute Change Order No. 1 to a professional service contract with Roetzel & Andress, subject to the approval of the Board of Control, to provide legal representation and services to the County of Summit and various County of Summit officials (“County of Summit defendants”) in a lawsuit, Keith Goodwin, et al. v. County of Summit, Ohio, et al., Case No. 5:14-CV-001121 before Judge Sara Lioi in the U.S. District Court, Northern District of Ohio, Eastern Division (the “Litigation”), in an amount not to exceed $25,000.00 (for an increase of 100%), for a total amount not to exceed $50,000.00.
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SECTION 2

This Resolution is hereby declared to be an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary to immediately authorize Change Order No. 1 to a professional service contract with Roetzel & Andress to continue its representation of the County of Summit defendants in the Litigation.

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 any of its committees that resulted in such formal action were in meetings open to the public, in compliance with legal requirements, including Section 121.22 of the Ohio Revised Code.

INTRODUCED September 8, 2014

ADOPTED September 22, 2014

CLERK OF COUNCIL

PRESENTER OF COUNCIL

APPROVED September 22, 2014

EXECUTIVE

ENACTED EFFECTIVE September 22, 2014

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