

1 RESOLUTION NO. 2020-353

2
3 SPONSOR Ms. Shapiro

4
5 DATE November 9, 2020

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, Lavar Martin v. Summit County, in an amount not to exceed**
10 **\$40,000.00 (for a cumulative increase of 80%), for a total amount not to exceed \$90,000.00,**
11 **for the Executive's Department of Law and Risk Management, and declaring an**
12 **emergency.**

13
14 WHEREAS, Lavar Martin filed a complaint against Summit County, concerning alleged
15 unpaid overtime to him and other detention facility employees at the Court of Common Pleas -
16 Juvenile Division, Lavar Martin v. Summit County, Case No. 5:19-cv-02641-JRA, before Judge
17 John R. Adams in the United States District Court, Northern District of Ohio (the "Lawsuit"); an
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19 WHEREAS, the Board of Control previously adopted Directive No. 003-20, which
20 awarded a professional service contract with Roetzel & Andress to provide legal representation
21 and services in the Lawsuit, in an amount not to exceed \$50,000.00; and
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23 WHEREAS, this Council previously adopted Resolution No. 2020-137, which authorized
24 the Executive to execute a settlement agreement and release for an amount not to exceed
25 \$167,500.00, to settle any and all claims arising out of or concerning issues raised in the
26 Lawsuit; and
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28 WHEREAS, additional legal representation and services by Roetzel & Andress, LP were
29 necessary to resolve the Lawsuit; and
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31 WHEREAS, the Board of Control, at its October 21, 2020 meeting, awarded Change
32 Order No. 1 to the aforementioned professional service contract with Roetzel & Andress, LPA,
33 in an amount not to exceed \$40,000.00 (for a cumulative increase of 80%), for a total amount of
34 \$90,000.00, subject to confirmation by this Council; and
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36 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
37 that the aforementioned Change Order No. 1 to said professional service contract with Roetzel &
38 Andress, LPA to provide legal representation and services in the Lawsuit, is necessary and in the
39 best interest of the County of Summit;
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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

45
46 The award by the Board of Control of Change Order No. 1 to a professional service
47 contract with Roetzel & Andress, LPA to provide legal representation and services in a lawsuit,
48 Lavar Martin v. Summit County, Case No. 5:19-cv-02641-JRA, before Judge John R. Adams in
49 the United States District Court, Northern District of Ohio (the "Lawsuit"), in an amount not to
50 exceed \$40,000.00 (for a cumulative increase of 80%), for a total amount not to exceed
51 \$90,000.00, is hereby confirmed and the Executive is hereby authorized to execute Change Order
52 No. 1 and any necessary related documents.
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SECTION 2

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

SECTION 3

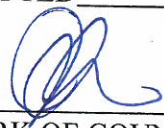
Provided this Resolution receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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 26, 2020

ADOPTED November 9, 2020

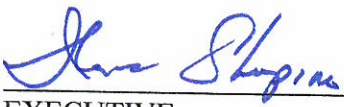


CLERK OF COUNCIL



PRESIDENT OF COUNCIL

APPROVED November 11, 2020



EXECUTIVE

ENACTED EFFECTIVE November 11, 2020

Voice Vote: YES: 11-0 Dickinson, Donofrio, Feeman, Koehler, McKenney, Prentice, Rodgers, Schmidt, Sims, Walters, Wilhite