

1 RESOLUTION NO. 2016-133

2
3 SPONSOR Mr. Pry

4
5 DATE April 25, 2016 COMMITTEE Rules

6
7 **A Resolution confirming the award by the Board of Control of Change Order No. 3 to a**
8 **professional service contract with Roetzel & Andress, LPA to provide legal representation**
9 **and services to the County of Summit related to a lawsuit, Lyn Watters v. Summit County,**
10 **Ohio, et al., in an amount not to exceed \$50,000.00 (400% cumulative increase), for a total**
11 **amount not to exceed \$125,000.00, for the Executive's Department of Law, Insurance and**
12 **Risk Management, and declaring an emergency.**

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14 WHEREAS, the Board of Control previously adopted Directive No. 291-14, which
15 awarded a professional service contract with Roetzel & Andress, LPA to provide legal
16 representation and services to the County of Summit related to a lawsuit, Lyn Watters v. Summit
17 County, Ohio, et al., Case No. 5:14-CV-2390, before Magistrate Judge George J. Limbert in the
18 United States District Court for the Northern District of Ohio, in an amount not to exceed
19 \$25,000.00; and

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21 WHEREAS, County Council previously adopted Resolution No. 2015-141, which
22 confirmed the award by the Board of Control of Change Order No. 1 to the aforementioned
23 professional service contract, in an amount not to exceed \$25,000.00 (for an increase of 100%),
24 for a total amount not to exceed \$50,000.00; and

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26 WHEREAS, County Council also previously adopted Resolution No. 2015-350, which
27 confirmed the award by the Board of Control of Change Order No. 2 to the aforementioned
28 professional service contract, in an amount not to exceed \$25,000.00 (200% cumulative
29 increase), for a total amount not to exceed \$75,000.00; and

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31 WHEREAS, the Board of Control, at its March 30, 2016 meeting, awarded Change Order
32 No. 3 to said professional service contract, in an amount not to exceed \$50,000.00 (400%
33 cumulative increase), for a total amount not to exceed \$125,000.00, subject to confirmation by
34 County Council; and

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36 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
37 that it is necessary and in the best interest of the County of Summit to confirm the award by the
38 Board of Control of Change Order No. 3 to the aforementioned professional service contract
39 with Roetzel & Andress, LPA, in an amount not to exceed \$50,000.00;

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

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44 SECTION 1

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46 The award by the Board of Control of Change Order No. 3 to a professional service
47 contract with Roetzel & Andress, LPA to provide legal representation and services to the County
48 of Summit related to a lawsuit, Lyn Watters v. Summit County, Ohio, et al., Case No. 5:14-CV-
49 2390, before Magistrate Judge George J. Limbert in the United States District Court for the
50 Northern District of Ohio, in an amount not to exceed \$50,000.00 (400% cumulative increase),
51 for a total amount not to exceed \$125,000.00, is hereby confirmed and the County Executive is
52 hereby authorized to execute said Change Order No. 3.

1 RESOLUTION NO. 2016-133

2 PAGE TWO

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4 SECTION 2

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6 This Resolution is hereby declared to be an emergency in the interest of the health, safety
7 and welfare of the citizens of the County of Summit and for the further reason that it is necessary
8 to immediately confirm Change Order No. 3 to a necessary professional service contract with
9 Roetzel & Andress, LPA to provide legal representation and service to the County in a pending
10 lawsuit.

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12 SECTION 3

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

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18 SECTION 4

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

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27 INTRODUCED April 11, 2016

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29 ADOPTED April 25, 2016

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34 CLERK OF COUNCIL

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43 PRESIDENT OF COUNCIL

44 APPROVED April 26, 2016

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Voice Vote: 10-0 YES: Crawford, Donofrio, Feeman, Kostandaras,
Prentice, Rodgers, Schmidt, Shapiro, Walters, Wilhite
ABSENT: Lee