

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2014 – 166

By: Mayor Perciak and All Members of Council

**AN ORDINANCE AMENDING SECTION 1 OF
ORDINANCE NO. 2013-235 TO INCREASE THE NOT TO
EXCEED AMOUNT IN CONNECTION WITH RETENTION
OF SPECIAL LEGAL COUNSEL AS LEAD APPELLATE
COUNSEL AND AMENDING A JOINT REPRESENTA-
TION AGREEMENT IN PENDING LITIGATION, AND
DECLARING AN EMERGENCY.**

WHEREAS, through passage of Ordinance No. 2013-235, this Council approved and authorized the Mayor to employ special legal counsel to assist in the representation of the City and other municipalities as lead appellate counsel under a joint representation agreement in connection with an action pending for some years brought by the Northeast Ohio Regional Sewer District (NEORS) in 2010 against some 62 municipalities including the City of Strongsville in the Cuyahoga County Common Pleas Court entitled *Northeast Ohio Regional Sewer District v. Bath Township, Ohio, et al.*, Case No. CV-10-714945 (Ohio Supreme Court Case No. 2013-1770), and involving a proposed Stormwater Program and related fee/tax; and

WHEREAS, the City's Law Director now has recommended that due to unanticipated circumstances in preparation of the briefs and related appellate work for the case, as well as the filing of various amicus briefs, it will be necessary to amend Section 1 of Ordinance No. 2013-235 in order to allocate additional funds to be utilized for payment of invoices and billings arising from such special legal services, which are being shared with certain other defendant municipalities, and to appropriately amend the Joint Representation Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That Section 1 of Ordinance No. 2013-235 is hereby amended to read in its entirety as follows:

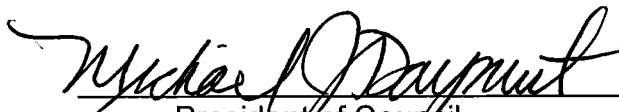
"Section 1. That the Mayor and Law Director be and are hereby authorized and directed to execute a Joint Representation Agreement with the law firm of **TAFT STETTINIUS & HOLLISTER LLP**, in order to assist the Law Department in representing the City in all further appellate aspects of the *NEORS* litigation, and in accordance with said Agreement and the hourly rates contained therein which are on file with the City's Law Department, and subject to final adjustment by the Law Director, but in a total amount not to exceed ~~Twenty~~**Thirty-Two** Thousand Dollars (\$~~2032,000.00~~).

Section 2. That the Joint Representation Agreement is accordingly amended consistent with the above and in a form to be approved by the Law Director.

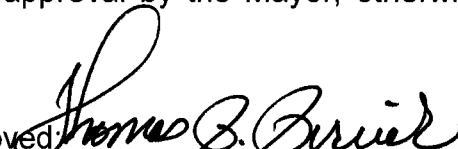
Section 3. That the funds for the purposes of this Ordinance have been appropriated and shall be paid from the General Fund.

Section 4. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance 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 all legal requirements.

Section 5. That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare of the City, and for the further reason that it is immediately necessary to amend the prior Ordinance in order to provide for additional funds for payment of special outside legal services to protect the legal interests of the City and its property owners, along with other municipalities with common interests in significant pending litigation, and to conserve public funds. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.



President of Council

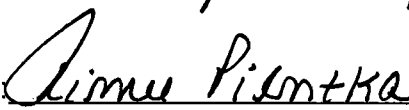
Approved: 

Mayor

Date Passed: September 2, 2014

Date Approved: September 3, 2014

	<u>Yea</u>	<u>Nay</u>
Carbone	☒	☐
Daymut	☒	☐
DeMio	☒	☐
Dooner	☒	☐
Maloney	☒	☐
Schonhut	☒	☐
Southworth	☒	☐

Attest: 

Clerk of Council

ORD. No. 2014-166 Amended: _____
1st Rdg. 09-02-14 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: 09-02-14 Defeated: _____