

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2016 – 140

By: Mayor Perciak and Mr. Schonhut

**AN ORDINANCE AUTHORIZING THE MAYOR TO
TERMINATE THE AGREEMENT WITH SEMS & ASSOCIATES
LIMITED, AND DECLARING AN EMERGENCY.**

WHEREAS, by and through Ordinance No. 2016-035, this Council authorized the Mayor and Finance Director to enter into a contract with Sems & Associates Limited for the purchase of various services and support for video processing and surveillance, forensic and fraud prevention, data network engineering, and computer hardware and software maintenance in an amount not to exceed \$175,000.00; and

WHEREAS, David E. Sems, one of the principals of Sems & Associates Limited, has been recommended by the Mayor to be appointed as the new Director of Communication & Technology for the City of Strongsville effective August 1, 2016, subject to the approval of this Council; and

WHEREAS, with the appointment of David E. Sems as the Director of Communication & Technology, effective August 1, 2016, the City of Strongsville and Sems & Associates Limited have mutually agreed to terminate the agreement previously entered into pursuant to Ordinance No. 2016-035, up through and terminating on July 31, 2016.

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

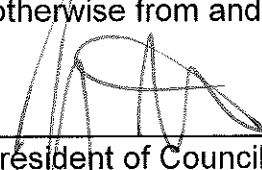
Section 1. That the contract authorized by this Council through Ordinance No. 2016-035 with Sems & Associates Limited for the purchase of various services and support for video processing and surveillance, forensic and fraud prevention, data network engineering, and computer hardware and software maintenance, is hereby terminated by mutual agreement by and between the City of Strongsville and Sems & Associates Limited, in its entirety, as of July 31, 2016.

Section 2. That the Mayor is authorized to execute the Termination of Agreement, which is attached hereto and marked as Exhibit "A".

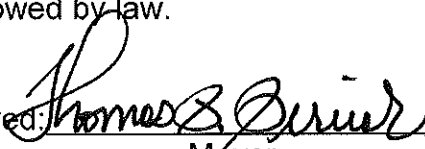
Section 3. That the Finance Director is authorized to pay Sems & Associates Limited for any services rendered to the City of Strongsville through July 31, 2016.

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, and for the further reason that it is immediately necessary to terminate such contract in order to provide for the transition and appointment of a new Director to maintain the orderly and efficient operation of the Department of Communication & Technology of the City, 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.

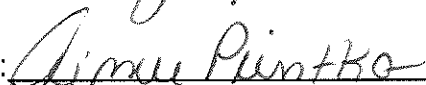


President of Council

Approved: 

Mayor

Date Passed: July 5, 2016
Yea Nay

Date Approved: July 4, 2016
Attest: 

Clerk of Council

Carbone	☒	_____
Daymut	☒	_____
DeMio	☒	_____
Dooner	☒	_____
Schonhut	☒	_____
Short	☒	_____
Southworth	☒	_____

ORD. No. 2016-140 Amended: _____
1st Rdg. 07-05-16 Ref: _____
2nd Rdg. Suspended Ref: _____
3rd Rdg. Suspended Ref: _____

Pub Hrg. _____ Ref: _____
Adopted: 07-05-16 Defeated: _____

TERMINATION OF AGREEMENT

This TERMINATION OF AGREEMENT is made and entered into this 6th day of July, 2016, by and between **SEMS & ASSOCIATES LIMITED**, located at 7055 Engle Road, Suite 402, Cleveland, Ohio 44130, and the **CITY OF STRONGSVILLE**, an Ohio municipal corporation located at 16099 Foltz Parkway, Strongsville, Ohio 44149.

WHEREAS, by and through Ordinance No. 2016-035, Strongsville City Council authorized the Mayor and Finance Director to enter into a contract with Sems & Associates Limited for the purchase of various services and support for video processing and surveillance, forensic and fraud prevention, data network engineering, and computer hardware and software maintenance in an amount not to exceed \$175,000.00; and

WHEREAS, David E. Sems, one of the principals of Sems & Associates Limited, has been recommended by the Mayor to be appointed as the new Director of Communication & Technology for the City of Strongsville effective August 1, 2016, subject to the approval of Strongsville City Council; and

WHEREAS, with the appointment of David E. Sems as the Director of Communication & Technology, effective August 1, 2016, the City of Strongsville and Sems & Associates Limited have mutually agreed to terminate the agreement previously entered into pursuant to Ordinance No. 2016-035, up through and terminating on July 31, 2016; and

WHEREAS, therefore, the purpose of the within document is to mutually cancel, rescind and terminate the Agreement with Sems & Associates Limited with no further rights, responsibilities or obligations arising after July 31, 2016.

NOW, THEREFORE, in consideration of the above and the following considerations, it is hereby agreed as follows:

1. The parties hereby agree to mutually terminate the Agreement authorized by Strongsville City Council in Ordinance No. 2016-035, with the understanding that said Agreement shall terminate on July 31, 2016.

2. The parties further agree that Sems & Associates Limited shall continue to perform any and all services authorized under the existing Agreement to the City of Strongsville through July 31, 2016.

3. The parties further agree that Sems & Associates Limited shall be paid for all services rendered to the City of Strongsville through July 31, 2016.

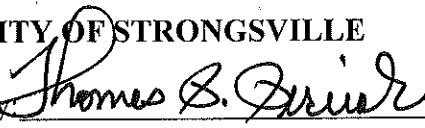
4. This Agreement has been executed by the duly authorized representatives of all parties, with each signator below representing that he/she has the requisite authority to execute this document on behalf of the respective clients, principals or companies.

5. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns.

SEMS & ASSOCIATES LIMITED

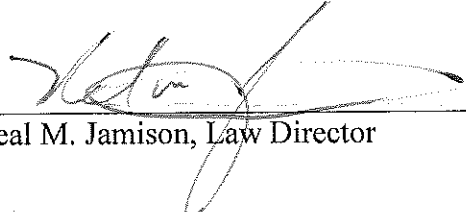
By: 
David E. Sems
Its: Owner

CITY OF STRONGSVILLE

By: 
Thomas P. Perciak
Title: Mayor

CERTIFICATE OF LAW DIRECTOR

I hereby certify that I have reviewed and approved the form of the foregoing Agreement this 6th day of July, 2016.


Neal M. Jamison, Law Director