

RESOLUTION NO. 4-2010

Offered by All of Council

A RESOLUTION AUTHORIZING THE MAYOR AND THE FINANCE DIRECTOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF SUMMIT WHEREBY THE SUMMIT COUNTY PROSECUTOR WILL REPRESENT THE VILLAGE OF RICHFIELD IN THE COMMENCEMENT AND PROSECUTION OF A LEGAL ACTION, INCLUDING, BUT NOT LIMITED TO, CLAIMS FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF, AGAINST THE NORTHEAST OHIO REGIONAL SEWER DISTRICT ("NORS") REGARDING ITS ATTEMPT TO ASSERT JURISDICTION TO MANAGE STORMWATER WITHIN THE VILLAGE OF RICHFIELD AND ITS ATTEMPT TO IMPOSE FEES, TAXES OR ASSESSMENTS FOR THE MANAGEMENT OF THE STORMWATER, AND DECLARING AN EMERGENCY.

WHEREAS, Section 302.21 of the Ohio Revised Code allows a county to contract with a municipality to perform a duty or function of that municipality, including representation of that municipality in the prosecution of a civil lawsuit; and

WHEREAS, the County of Summit intends to commence and prosecute, on its own behalf, a legal action, including, but not limited to, claims for declaratory judgment and injunctive relief against NORS seeking, among other items, a court order declaring that NORS lacks jurisdiction to manage stormwater within Summit County and impose said fees, taxes or assessment and an order enjoining NORS from attempting to manage stormwater in Summit County and impose said fees, taxes or assessments; and

WHEREAS, due to budgetary constraints, the cost of legal services, and the similarity of legal interests with the County of Summit, this Village desires to have the County of Summit, through the Summit County Prosecutor, in association with the Village Law Director, represent its interests as a party against NORS in the aforementioned legal action; and

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the Village of Richfield to authorize the Mayor and the Finance Director to enter into an agreement with the County of Summit whereby the Summit County Prosecutor will represent the Village of Richfield, in association with the Village Law Director, in the commencement and prosecution of the aforementioned legal action against NORS.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, Summit County, State of Ohio, that:

SECTION 1. A Resolution authorizing the Mayor and the Finance Director to execute an agreement with the County of Summit whereby the Summit County Prosecutor will represent the Village of Richfield in association with the Village Law Director in the commencement and prosecution of a legal action, including, but not limited to, claims for declaratory judgment and injunctive relief, against the NORS regarding its attempt to assert jurisdiction to manage stormwater within

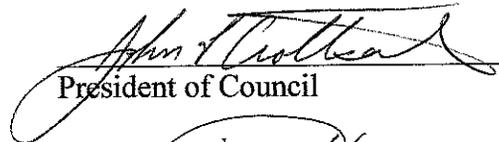
the Village of Richfield and its attempt to impose fees, taxes or assessments for the management of the stormwater.

SECTION 2. This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the Village of Richfield and for the further reason to immediately authorize the Mayor and the Finance Director to enter into said agreement for legal representation because of the immediacy of potential litigation.

SECTION 3. This Resolution shall be in effect immediately upon its passage provided it receives the affirmative vote of two-thirds of the members of Council elected or appointed; otherwise, it shall be in full force and effect from and after the earliest period allowed 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.

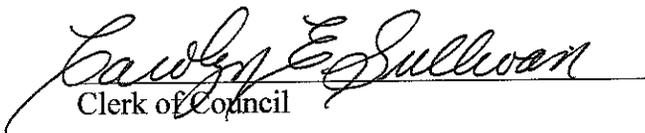
PASSED: 2-2-2010

  
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President of Council

  
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Mayor

Dated: 2/2/2010

ATTEST:

  
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Clerk of Council