

REQUESTED BY LAW DIRECTOR, MAYOR
APPROVED BY COMMITTEE OF THE
WHOLE
INTRODUCED BY RASOR

ORDINANCE NO. 2017-115

AN ORDINANCE AUTHORIZING THE HIRING OF MOTLEY RICE LLC, NEALON & ASSOCIATES, P.C., RAFFELLI & PRAZAK, ATTORNEYS AT LAW, AND BRENNAN MANNA & DIAMOND, LLC FOR PURPOSES OF PROVIDING LEGAL COUNSEL, AND DECLARING AN EMERGENCY.

WHEREAS, the City desires to retain supplemental legal counsel, in conjunction with Summit County, City of Akron, City of Barberton, Summit County Public Health and other local political subdivisions as necessary, to investigate, litigate, or negotiate for settlement, actionable claims that may be pursued by the City against individuals and entities related to the marketing, prescribing, distribution, or sale of opioids.

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

SECTION 1. That pursuant to Stow City Charter Section 9.06, C.O.S. 173.07(a)(1)(B) and C.O.S. 173.09, the Law Director be, and she hereby is, authorized to hire Motley Rice LLC, Nealon & Associates, P.C., Raffaelli & Prazak, Attorneys at Law, and Brennan Manna & Diamond, LLC (the "Firms") to provide legal counsel services, without the necessity of public bids, to investigate, litigate, or negotiate for settlement, actionable claims that may be pursued by the City against individuals and entities related to the marketing, prescribing, distribution, or sale of opioids.

SECTION 2. That the expense herein authorized for legal counsel services provided by the Firms shall be based on a contingency fee structure as contractually agreed to by the parties and approved by the Law Director. No fees shall be paid to the Firms for said services until and unless a monetary settlement is first obtained on the City's behalf.


SECTION 3. That the Firms will report directly to the Law Director.

SECTION 4. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees or subcommittees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 5. That this Ordinance was adopted pursuant to Section 4.11 Charter, and is hereby declared to be an emergency measure necessary for the immediate preservation of the public health and safety for the reason of providing specialized legal counsel to investigate and initiate litigation in a timely manner, and, pursuant to Section 4.13 Charter, shall take effect upon its adoption by Council and approval by the Mayor, otherwise at the earliest period allowed by law.

ADOPTED BY COUNCIL 10/26/17

ATTEST


Bonnie J. Emahiser
CLERK OF COUNCIL


Mike Rasor
PRESIDENT OF COUNCIL

FILED WITH MAYOR 10/27/17

APPROVED 
Sara Kline
MAYOR

FILED WITH CLERK 10/30/17

APPROVED AS TO FORM

EFFECTIVE DATE 10/30/17


Amber K. Zibritosky
LAW DIRECTOR

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(Authorize Hiring – Various Legal
Counsel – Claims Concerning Opioids)

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