

RESOLUTION NO. R03-14 CMS

A RESOLUTION PROVIDING FOR PAYMENT TO CALFEE, HALTER & GRISWOLD, LLP IN CONNECTION WITH THE APPEAL TO THE OHIO BOARD OF TAX APPEALS BY THE CITY OF LORAIN, OHIO, PERTAINING TO THE 2003 ALLOCATION OF THE UNDIVIDED LOCAL GOVERNMENT FUND AND THE UNDIVIDED LOCAL GOVERNMENT REVENUE ASSISTANCE FUND AND DECLARING AN EMERGENCY

WHEREAS, this City Council retained the legal services of Calfee, Halter & Griswold, LLP ("Calfee") for the purposes of drafting and filing a Motion to Dismiss in connection with the appeal to the Ohio Board of Tax Appeals by the City of Lorain (the "Appeal") as described below ("Original Services"); and

WHEREAS, Calfee has performed additional services in connection with the Appeal including the preparation, review, and analysis of discovery requests and responses, the investigation of facts and events surrounding the issues on appeal, and the formulation, negotiation, analysis, and evaluation of settlement terms and proposals including new, alternative formulae for the allocation of Local Government Funds and Local Government Revenue Assistance Funds to Lorain County, Ohio and its municipal corporations and townships ("Additional Services"); and

WHEREAS, Calfee has agreed to bill for its legal services at a blended hourly rate of \$200.00 plus actual expenses with its total costs for legal services required for the preparation and filing of a motion to dismiss the Appeal not to exceed \$5,000.00 and the total costs for all its legal services in connection with the Appeal, the settlement, and the negotiation and adoption of a new alternative formula not to exceed \$45,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. This City Council hereby authorizes payment to Calfee for the performance of the Original Services and the Additional Services in an amount equal to one twenty-third (1/23) of the total costs billed by Calfee for such services which payment shall not exceed \$1,956.52.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or 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 actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit:

"to authorize the payment of already incurred legal expenses as soon as possible in order to facilitate the earliest possible settlement of a pending legal controversy",

and shall take effect immediately upon passage.

PASSED: 1st Reading – August 18, 2003 (E)
2nd Reading –
3rd Reading –

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: August 19, 2003

EFFECTIVE DATE: August 19, 2003

LAW OFFICES OF

Eric R. Severs Co., L.P.A.

5 SOUTH MAIN STREET

OBERLIN, OHIO 44074

ERIC R. SEVERS

TELEPHONE: (440) 774-1278

FACSIMILE: (440) 774-7088

e-mail: ersevers@oberlin.net

August 20, 2003

Richard P. Goddard, Esq.
Calfee, Halter & Griswold LLP
800 Superior Avenue, Suite 1400
Cleveland, Ohio 44114-2688

Re: City of Lorain v. Lorain County Budget Commission, et al.
Board of Tax Appeals Case No. 02-7-1865

Dear Rick:

Enclosed is a certified copy of Ordinance No. 03-61 AC CMS and of Resolution No. R03-14 CMS, both of which were approved by Oberlin City Council on August 18, 2003. The caption of Ordinance No. 03-61 was also approved by separate motion by Oberlin City Council on that evening. I will provide you with a certified copy of the minutes of the meeting when they have been prepared and approved. That will not occur until approximately September 2, 2003.

Please note that Ordinance No. 03-61 directs that the Oberlin City Clerk forward a certified copy of the Ordinance to the Lorain County Budget Commission. Please advise as to whether you are going to assume that duty of the City Clerk.

Yours truly,

Eric R. Severs
Oberlin City Solicitor

ERS:smw
Enclosures (2)

cc: William Jindra, Chair of Council
Robert G. DiSpirito, City Manager
✓ Eugene F. Simon, Clerk of Council
I. Salvatore Talarico, City Auditor

u.b. Jean. Please provide me with a certified copy of the minutes of the August 18 meeting when they have been approved by Council. ERS