

2nd review 11/1/12

RESOLUTION NO. 2012- 1871

**A RESOLUTION AUTHORIZING THE APPROVAL AND ISSUANCE OF A WARRANT FOR PAYMENT OF \$6,396.88 TO AMERICAN ARBITRATION ASSOCIATION, AND DECLARING AN EMERGENCY.**

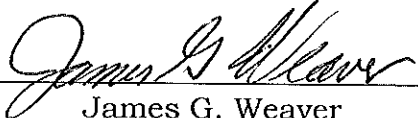
**WHEREAS,** The American Arbitration Association submitted an invoice to the City of Fremont attached as Exhibit A in the amount of \$6,396.88 for its one-half share of expenses incurred for the City's participation in all mediation sessions associated with American Arbitration Association and prior certification of the fiscal officer was not obtained pursuant to Ohio Revised Code Section 5705.41(D), therefore

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FREMONT, STATE OF OHIO:**

**SECTION 1.** City Council hereby authorizes the approval and issuance of a warrant in payment of the amount of \$6,396.88 to the American Arbitration Association and;

**SECTION 2.** The immediate operation of the provisions of this resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need of the Auditor to draw a warrant for disbursement and to pay this bill in a timely manner.

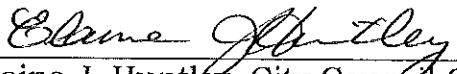
This resolution, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this resolution shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.

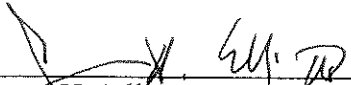
  
James G. Weaver  
President of Council

PASSED: 11-15-12

Effective date: 11-15-12

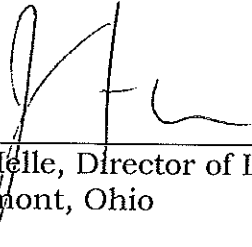
YEAS: 6 NAYS: 0

  
Elaine J. Huntley, City Council Clerk

  
James H. Ellis III, Mayor

RES355

Approved as to form:

A handwritten signature in black ink, appearing to read 'JFM', is written over a horizontal line.

James F. Melle, Director of Law  
City of Fremont, Ohio

**Kegler Brown Hill & Ritter**  
 Tax ID #: 31-1037466  
 Biller: Gregory, Donald W.  
 Client: American Arbitration Association

Page: - 1 -  
 Date: 10/09/12  
 Invoice #: 555659

For services rendered through October 9, 2012.

Re: 000022 - Mediation Services for H.M. Miller Construction Company and City of Fremont

<u>Date</u>	<u>Timekeeper</u>	<u>Description</u>	<u>Hours</u>
08/20/12	DWG	Telephone conferences and e-mails to gather background for meeting. Review proposed agenda.	2.00
08/21/12	DWG	Review positions for upcoming meeting.	1.25
08/22/12	DWG	Review latest communications in advance of meeting.	0.50
08/23/12	DWG	Review additional information submitted by meeting participants.	1.00
08/24/12	DWG	Travel to Fremont and conduct meeting with stakeholders, confirm results to counsel.	8.75
09/24/12	DWG	Briefly review current Mediation e-mails.	0.50
10/02/12	DWG	Review latest draws and settlement developments as work progresses.	0.50
		<b>Total Hours</b>	<b>14.50</b>
		<b>Total Fees</b>	<b>\$ 5,945.00</b>

Disbursement Summary

<u>Description</u>	<u>Total</u>
Mileage Travel	138.75
Total Disbursements	\$ 138.75

Total this Invoice 6,083.75

**KEGLER BROWN  
HILL & RITTER**  
A LEGAL PROFESSIONAL ASSOCIATION

Tax ID #: 31-1037466

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**INVOICE**

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INVOICE DATE: 10/09/12

INVOICE #: 555659

American Arbitration Association  
c/o Harry Hernandez, Case Manager  
2200 Centruy Parkway, Suite 300  
Atlanta, GA 30345

Client: American Arbitration Association  
Matter: Mediation Services for H.M. Miller  
Construction Company and City of  
Fremont  
Client Matter #: 003676.000022  
Billing Attorney: Donald Gregory

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**REMITTANCE COPY**

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For services rendered through October 9, 2012, in connection with the above captioned matter.

Fees:	\$ 5,945.00
Disbursements:	138.75
<b>TOTAL FOR CURRENT BILL</b>	<b>\$ 6,083.75</b>

Please return this copy with your remittance to ensure proper credit.

**Mall to:**  
Kegler, Brown, Hill & Ritter  
Capitol Square, Suite 1800  
65 East State Street  
Columbus, OH 43215

**Wire Funds to:**  
JPMorgan Chase Bank, N.A.  
Columbus, OH  
ABA# 021000021  
Account# 98-10-22914  
for the Benefit of:  
Kegler, Brown, Hill & Ritter  
Int'l Swift Address: CHASUS33

**ACH Payments:**  
JPMorgan Chase Bank, N.A.  
Columbus, OH  
Routing# 044000037  
Account# 98-10-22914  
for the Benefit of:  
Kegler, Brown, Hill & Ritter

By Credit Card: Call Client Services (614) 462-5439

**From:** AAA Harry Hernandez [mailto:HarryHernandez@adr.org]  
**Sent:** Tuesday, October 09, 2012 4:11 PM  
**To:** anatale@frantzward.com; aevenchik@frantzward.com; Arnold, W. David  
**Cc:** dgregory@keglerbrown.com; Griffith, Theresa; Mickes@frantzward.com; AAA Harry Hernandez  
**Subject:** (Notice of Mediation Conference and deposit request) HM Miller Construction vs City of Fremont AAA # 53 442 155 12

Counselors:

The second day of mediation has been set for October 17, 2012, pursuant to the enclosed Notice of Mediation Conference.

Also attached for your records is the mediator's most recent invoice for time incurred from the conclusion of the first day of mediation conference thru the end of August. We have also invoiced the parties for the anticipated deposits for the upcoming mediation conference. The total amount that has been invoiced to each side is \$6,396.88 as itemized below:

From invoice dated October 9, 2012:

\$410.00 per hour x 14.5 hours of mediation and follow up & meeting with stake holders	
\$5,945.00 total / 2 = \$2,972.50 per party	
250 miles x .555 per mile =	
total / 2 = \$69.38 per party	\$138.75
\$410.00 per hour x 16 hours for mediation and follow up =	
total / 2 = \$3,280.00 per party	\$6,560.00
\$150.00 for mileage expenses =	
total / 2 = \$75.00 per party	\$150.00
<b>Totals</b>	
total / 2 = \$6,396.88 <i>← our share.</i>	\$12,793.75

Your respective amount is to be remitted to the AAA as practically as possible upon receipt of this e-mail.

Should you have any questions, please let me know. Thank you.

Harry



**American Arbitration Association**  
*Dispute Resolution Services Worldwide*

**Harry Hernandez, Manager of ADR Services**  
Tel: 866 808 4906  
Fax: 877 395 1388  
E-mail: HarryHernandez@adr.org  
2200 Century Parkway Suite 300  
Atlanta, GA 30345