

1 RESOLUTION NO. 2016-320

2
3 SPONSOR Ms. Shapiro

4
5 DATE September 12, 2016

COMMITTEE Rules

6
7 **A Resolution authorizing the County Executive to pay an amount not to exceed \$75,000.00,**
8 **representing the County's self-insured retention, to Houston Casualty Company, the**
9 **County's liability insurer, toward the costs of legal representation and services on behalf of**
10 **the County and Houston Casualty Company, the County's liability insurer, in an**
11 **anticipated wrongful death lawsuit, for the Executive and the Sheriff, and declaring an**
12 **emergency.**

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14 WHEREAS, the County anticipates that a wrongful death lawsuit, will be filed against
15 the County of Summit and other parties as a result of the death of an inmate at the County Jail;
16 and

17
18 WHEREAS, the County's liability insurer, Houston Casualty Company, will agree to
19 defend the County and will retain legal counsel to provide legal representation and services on
20 behalf of the County and Houston Casualty Company in the anticipated lawsuit should it be
21 filed; and

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23 WHEREAS, under the terms of its insurance contract with Houston Casualty Company,
24 the County has a \$75,000.00 self-insured retention on a claims made basis; and

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26 WHEREAS, in order to have retained legal counsel provide legal representation and
27 services on behalf of the County and Houston Casualty Company in the anticipated lawsuit, the
28 County is required to pay the first \$75,000.00 of costs, representing its self-insured retention; and

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30 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
31 that it is necessary and in the best interest of the County of Summit the County Executive to pay
32 an amount not to exceed \$75,000.00, to Houston Casualty Company toward the costs of legal
33 representation and services on behalf of the County and Houston Casualty Company in the
34 anticipated lawsuit;

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

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39 SECTION 1

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41 The County Executive is hereby authorized to pay an amount not to exceed \$75,000.00,
42 representing the County's self-insured retention, to Houston Casualty Company, the County's
43 liability insurer, toward the costs of legal representation and services on behalf of the County and
44 Houston Casualty Company, the County's liability insurer, in an anticipated wrongful death
45 lawsuit as the result of the death of an inmate at the County Jail.
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1 RESOLUTION NO. 2016-320

2 PAGE TWO

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4 SECTION 2

5
6 This Resolution is hereby declared an emergency in the interest of the health, safety and
7 welfare of the citizens of the County of Summit and for the further purpose of immediately
8 obtaining legal representation and services on behalf of the County and Houston Casualty
9 Company in an anticipated wrongful death lawsuit as a result of the death of an inmate at the
10 County Jail.

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12 SECTION 3

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14 Provided this Resolution receives the affirmative vote of eight members, it shall take
15 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
16 effect and be in force at the earliest time provided by law.

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18 SECTION 4

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20 It is found and determined that all formal actions of this Council concerning and relating
21 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
22 deliberations of this Council and of any of its committees that resulted in such formal action,
23 were in meetings open to the public, in compliance with all legal requirements, including Section
24 121.22 of the Ohio Revised Code.

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27 INTRODUCED August 22, 2016

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29 ADOPTED September 12, 2016

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34 CLERK OF COUNCIL

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43 PRESIDENT OF COUNCIL

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45 APPROVED September 13, 2016

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ENACTED EFFECTIVE September 13, 2016

Voice Vote: YES: 10-0 - Crawford, Dickinson, Donofrio, Feeman,
Kostandaras, Prentice, Rodgers, Schmidt, Walters, Wilhite
ABSENT: Lee