

1 RESOLUTION NO. 2017-200

2 SPONSOR Ms. Shapiro

3 DATE June 5, 2017

4 COMMITTEE Rules

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7 **A Resolution authorizing the County Executive to execute a settlement agreement and**
8 **release, in an amount not to exceed \$67,500.00, to settle all claims arising out of or**
9 **concerning issues raised in an appeal of an order concerning a workers' compensation**
10 **claim, Kelly Cottle v. Summit County, et al., and all related workers' compensation claims,**
11 **for the Executive, the Prosecutor and the Sheriff, and declaring an emergency.**

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13 WHEREAS, Kelly Cottle, a former County Sheriff's Deputy, filed a complaint appealing
14 an order of the Ohio Industrial Commission concerning her worker's compensation claim, Claim
15 No. 14-336662, against the County of Summit and Steve Buehrer, Administrator for the Ohio
16 Bureau of Workers' Compensation, Kelly Cottle v. Summit County, et al., Case No. CV 2016-
17 03-1523, before Judge Alison McCarty in the County of Summit Court of Common Pleas (the
18 "Appeal"); and

19
20 WHEREAS, in consultation with the County Prosecutor, the County Executive and the
21 County Sheriff terms of settlement have been reached with Ms. Cottle through her legal counsel
22 to settle the Appeal and all related workers' compensation claims, for an amount not to exceed
23 \$67,500.00; and

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25 WHEREAS, pursuant to the settlement agreement and release, Ms. Cottle will dismiss
26 the Appeal with prejudice, dismiss all related workers' compensation claims with prejudice and
27 release and discharge the County and the Ohio Bureau of Worker's Compensation from her
28 claims against them; and

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30 WHEREAS, pursuant to the settlement agreement and release, the County will pay Ms.
31 Cottle an amount not to exceed \$67,500.00 from its workers' compensation funds; and

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33 WHEREAS, this Council finds and determines, after reviewing all pertinent
34 information, that it is necessary and in the best interest of the County of Summit to settle the
35 Appeal for an amount not to exceed \$67,500.00, for the aforementioned reason;

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

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40 SECTION 1

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42 The County Executive is hereby authorized to execute a settlement agreement and release
43 in an amount not to exceed \$67,500.00, to settle all claims arising out of or concerning issues
44 raised in Kelly Cottle v. Summit County, et al., Case No. CV 2016-03-1523, before Judge Alison
45 McCarty in the County of Summit Court of Common Pleas-General Division, appealing an order
46 by the Ohio Industrial Commission concerning a worker's compensation claim, Claim No. 14-
47 336662 (the "Appeal") and all related workers' compensation claims. The settlement agreement
48 shall include a release and discharge by Kelly Cottle of all claims against the County of Summit.
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1 RESOLUTION NO. 2017-200

2 PAGE TWO

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4 SECTION 2

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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 sparing county taxpayers further expense related to Ms. Cottle's Appeal and related workers'
9 compensation claims against the County of Summit and the Ohio Bureau of Workers'
10 Compensation.

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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.

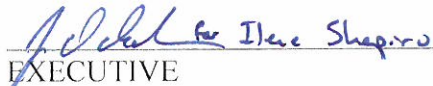
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27 INTRODUCED May 15, 2017

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29 ADOPTED June 5, 2017

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33 _____
34 CLERK OF COUNCIL

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39 PRESIDENT OF COUNCIL

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41 APPROVED June 6, 2017

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45 EXECUTIVE

46 ENACTED EFFECTIVE June 6, 2017

Voice Vote: 11-0 YES: Crawford, Dickinson, Donofrio, Feeman, Hamilton,
Koehler, Prentice, Rodgers, Schmidt, Walters, Wilhite