

1 RESOLUTION NO. 2013-260

First Reading Passage Requested
(M. Kovach)

2
3 SPONSOR Mr. Pry

4
5 DATE June 3, 2013

COMMITTEE Rules

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7 **A Resolution authorizing the County Executive to execute a settlement agreement, in an**
8 **amount not to exceed \$159,200.00, to settle all claims arising out of or concerning issues**
9 **raised in a lawsuit, *Gabrielle J. Tyree v. County of Summit et al.*, Case No. CV 5:12-CV-**
10 **02627, before Judge John R. Adams in the United States District Court for the Northern**
11 **District of Ohio, and appropriating funds, for the Fiscal Officer, the Prosecutor and the**
12 **Executive, and declaring an emergency.**

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14 WHEREAS, Gabrielle J. Tyree, has filed a lawsuit, *Gabrielle J. Tyree v. County of*
15 *Summit et al.*, Case No. CV 5:12-CV-02627, before Judge John R. Adams in the United States
16 District Court for the Northern District of Ohio, against the County of Summit, the and Kristin
17 M. Scalise, both as County Fiscal Officer and in her individual capacity (the "lawsuit"); and

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19 WHEREAS, in consultation with the County Prosecutor, the County Executive and the
20 County Fiscal Officer have reached terms of settlement with Ms. Tyree through her legal counsel
21 to settle the case in an amount not to exceed \$159,200.00; and

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23 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
24 that it is necessary and in the best interest of the County of Summit to settle the lawsuit filed by
25 Ms. Tyree, in an amount not to exceed \$159,200.00, for the aforementioned reasons;

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

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30 SECTION 1

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32 The County Executive is hereby authorized to execute a settlement agreement, in an
33 amount not to exceed \$159,200.00, to settle all claims arising out of or concerning issues raised
34 in a lawsuit, *Gabrielle J. Tyree v. County of Summit et al.*, Case No. CV 5:12-CV-02627, before
35 Judge John R. Adams in the United States District Court for the Northern District of Ohio. The
36 settlement agreement shall include a release by Gabrielle J. Tyree of all claims against the
37 County of Summit and Kristen M. Scalise, both as County Fiscal Officer and in her individual
38 capacity.

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40 SECTION 2

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42 Funds are hereby appropriated as follows:

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<u>ACCOUNT No.</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
DTAC Fund		
20571-1316-45501	Contract Services	\$ 100,000.00
20571-1316-60501	Other	<u>159,200.00</u>
Total DTAC Appropriations		\$ 259,200.00

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PAGE TWO

SECTION 3

The County Fiscal Officer is hereby authorized and directed to effect the within appropriations.

SECTION 4

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the for the further purpose of immediately sparing County taxpayers further expense related to Ms. Tyree's lawsuit.

SECTION 5

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

SECTION 6

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

INTRODUCED June 3, 2013

ADOPTED June 3, 2013


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED June 4, 2013


EXECUTIVE

ENACTED EFFECTIVE June 4, 2013

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro