

1 RESOLUTION NO. 2013-201

2
3 SPONSOR Mr. Pry

4
5 DATE May 13, 2013

COMMITTEE Rules

6
7 **An amended Resolution confirming the award by the Board of Control of a professional**
8 **service contract with Roetzel & Andress, LLP, to provide legal representation and services**
9 **to Kristen M. Scalise in her individual capacity in a lawsuit, *Gabrielle J. Tyree v. County of***
10 ***Summit et al.*, Case No. CV 5:12-CV-02627, before Judge John R. Adams in the United**
11 **States District Court for the Northern District of Ohio, at an hourly rate of \$300.00, for a**
12 **total amount not to exceed \$75,000.00, and making certain necessary appropriation**
13 **adjustments, for the Executive's Department of Law, Insurance and Risk Management,**
14 **and the Fiscal Officer, and declaring an emergency.**

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

21
22 WHEREAS, the County has a duty to defend Ms. Scalise in her individual capacity in the
23 lawsuit; and

24
25 WHEREAS, the County Executive and County Prosecutor submitted a joint application
26 to the Court of Common Pleas pursuant to Section 305.14 of the Ohio Revised Code to authorize
27 the employment of Roetzel & Andress, LLP, to represent Ms. Scalise in her individual capacity
28 in the lawsuit and the Court issued an order authorizing the same, both of which are attached to
29 this Resolution as Exhibit A and incorporated herein as if fully restated; and

30
31 WHEREAS, at its April 24, 2013 meeting, the Board of Control awarded a professional
32 service contract with Roetzel & Andress, LLP, to provide legal representation and services to
33 Ms. Scalise in her individual capacity in the lawsuit, at an hourly rate of \$300.00, for a total
34 amount not to exceed \$75,000.00; and

35
36 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
37 that it is necessary and in the best interest of the County of Summit to confirm the award of a
38 professional service contract with Roetzel & Andress, LLP to provide legal representation and
39 services to Ms. Scalise in her individual capacity in the lawsuit, at an hourly rate of \$300.00, for
40 a total amount not to exceed \$75,000.00, for the aforementioned reasons;

41
42 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,
43 that:

44
45 SECTION 1

46
47 The Board of Control's award of a professional service contract with Roetzel & Andress,
48 LLP, to provide legal representation and services to Kristen M. Scalise in her individual capacity
49 in a lawsuit, *Gabrielle J. Tyree v. County of Summit et al.*, Case No. CV 5:12-CV-02627, before
50 Judge John R. Adams in the United States District Court for the Northern District of Ohio, at an
51 hourly rate of \$300.00, for a total amount not to exceed \$75,000.00, is hereby confirmed and the
52 County Executive is authorized to execute said contract.
53

1 RESOLUTION NO. 2013-201

2 PAGE TWO

3
4 SECTION 2

5
6 Appropriations are hereby adjusted as follows:

7

| <u>Account No.</u> | <u>Description</u> | <u>Decrease</u> | <u>Increase</u> |
|--------------------|----------------------|---------------------|---------------------|
| 10003-1205-20501 | Salaries | \$20,000.00 | |
| 10003-1205-25501 | Benefits | \$30,000.00 | |
| 10003-1205-30401 | Internal Chargebacks | \$50,000.00 | |
| 10003-1205-45501 | Contract Services | | \$100,000.00 |
| <u>Total</u> | | <u>\$100,000.00</u> | <u>\$100,000.00</u> |

13

14
15
16 SECTION 3

17
18 The County Fiscal Officer is hereby authorized and directed to effect the within
19 appropriation adjustments.

20
21 SECTION 4

22
23 This Resolution is hereby declared to be an emergency in the interest of the health, safety
24 and welfare of the citizens of the County of Summit and for the further reason that it is necessary
25 to immediately confirm the award by the Board of Control of a professional service contract with
26 Roetzel & Andress, LLP, to provide legal representation and services to Kristen M. Scalise in her
27 individual capacity in a pending lawsuit.

28
29 SECTION 35

30
31 Provided this Resolution receives the affirmative vote of eight members, it shall take
32 effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect
33 and be in force at the earliest time provided by law.

34
35 SECTION 46

36
37 It is found and determined that all formal actions of this Council concerning and relating
38 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
39 deliberations of this Council and any of its committees that resulted in such formal action were in
40 meetings open to the public, in compliance with legal requirements, including Section 121 .22 of
41 the Ohio Revised Code.

42
43
44
45
46
47
48
49
50
51
52

1 RESOLUTION NO. 2013-201

2 PAGE THREE

3
4

5 INTRODUCED April 29, 2013

6
7 ADOPTED May 13, 2013

8
9
10 

11 CLERK OF COUNCIL


PRESIDENT OF COUNCIL

12
13 APPROVED May 14, 2013

14
15
16 

17 EXECUTIVE

18
19 ENACTED EFFECTIVE May 14, 2013

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