

1 RESOLUTION NO. 2017-199

2 SPONSOR Ms. Shapiro

3 DATE June 5, 2017 COMMITTEE Rules

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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 Tokio Marine HCC, the County's**  
9 **liability insurer, toward the costs of legal representation and services on behalf of the**  
10 **County and Tokio Marine HCC in Richard Kutuchief v. Richard Armsey, et al., for the**  
11 **Executive and the Sheriff, and declaring an emergency.**

12  
13 WHEREAS, Richard Kutuchief has filed a lawsuit arising out of a search and seizure  
14 against Sheriff's Captain Richard Armsey and Sheriff's Deputy Robert Sombati, Richard  
15 Kutuchief v. Richard Armsey, et al., Case No. CV 2017-03-1296, before Judge Joy Malek  
16 Oldfield in the County of Summit Court of Common Pleas (the "Lawsuit"); and

17  
18 WHEREAS, the County's liability insurer, Tokio Marine HCC, has agreed to defend the  
19 County and has retained legal counsel, Sutter O'Connell, to provide legal representation and  
20 services on behalf of the County and Tokio Marine HCC in the Lawsuit; and

21  
22 WHEREAS, under the terms of its insurance contract with Tokio Marine HCC, the  
23 County has a \$75,000.00 self-insured retention on a claims made basis; and

24  
25 WHEREAS, in order to have Sutter O'Connell provide legal representation and services  
26 on behalf of the County and Tokio Marine HCC in the Lawsuit, the County is required to pay the  
27 first \$75,000.00 of costs, representing its self-insured retention; and

28  
29 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
30 that it is necessary and in the best interest of the County of Summit for the County Executive to  
31 pay an amount not to exceed \$75,000.00, to Tokio Marine HCC toward the costs of legal  
32 representation and services by legal counsel, Sutter O'Connell, on behalf of the County and  
33 Tokio Marine HCC in the Lawsuit;

34  
35 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
36 of Ohio, that:

37  
38 SECTION 1

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40 The County Executive is hereby authorized to pay an amount not to exceed \$75,000.00,  
41 representing the County's self-insured retention, to Tokio Marine HCC, the County's liability  
42 insurer, toward the costs of legal representation and services by legal counsel, Sutter O'Connell,  
43 on behalf of the County and Tokio Marine HCC in Richard Kutuchief v. Richard Armsey, et al.,  
44 Case No. CV 2017-03-1296, before Judge Joy Malek Oldfield in the County of Summit Court of  
45 Common Pleas (the "Lawsuit").  
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1 RESOLUTION NO. 2017-199

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 obtaining legal representation and services by legal counsel, Sutter O'Connell, on behalf of the  
9 County and Tokio Marine HCC in the Lawsuit.

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11 SECTION 3

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

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17 SECTION 4

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

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26 INTRODUCED May 15, 2017

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28 ADOPTED June 5, 2017

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33 CLERK OF COUNCIL

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40 PRESIDENT OF COUNCIL

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42 APPROVED June 6, 2017

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48 ENACTED EFFECTIVE June 6, 2017

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