

1 RESOLUTION NO. 2017-411

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3 SPONSOR Ms. Shapiro

4
5 DATE October 16, 2017 COMMITTEE Rules

6
7 **A Resolution authorizing the County Executive to execute a settlement agreement and**
8 **release, in an amount not to exceed \$4,750.00, to settle all claims arising out of or**
9 **concerning issues raised in an appeal of an order concerning a workers' compensation**
10 **claim, Joseph T. Keller v. County of Summit, et al., and all related workers' compensation**
11 **claims, for the Executive, the Prosecutor and the Sheriff, and declaring an emergency.**

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13 WHEREAS, Joseph T. Keller, a former County Sheriff's Deputy filed a complaint
14 appealing an order of the Ohio Industrial Commission concerning his workers' compensation
15 claim, Claim No. 15-836904, against the County of Summit and Administrator, Bureau of
16 Workers' Compensation, Joseph T. Keller v. County of Summit, et al., Case No. CV-2016-09-
17 4006, before Judge Paul J. Gallagher in the County of Summit Court of Common Pleas - General
18 Division appealing (the "Appeal"); and

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20 WHEREAS, in consultation with the County Prosecutor, the County Executive and the
21 County Sheriff have reached terms of settlement with Mr. Keller through his legal counsel to
22 settle the Appeal for an amount not to exceed \$4,750.00; and

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24 WHEREAS, pursuant to the settlement agreement and release, Mr. Keller will dismiss
25 the Appeal with prejudice, dismiss all related workers' compensation claims with prejudice and
26 release and discharge the County of Summit and the Ohio Bureau of Workers' Compensation
27 from his claims against them; and

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29 WHEREAS, pursuant to the settlement agreement, the County will pay Mr. Keller an
30 amount not to exceed \$4,750.00 from its workers' compensation funds; and

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32 WHEREAS, this Council finds and determines, after reviewing all pertinent
33 information, that it is necessary and in the best interest of the County of Summit to settle the
34 Appeal for an amount not to exceed \$4,750.00, for the aforementioned reason;

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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 execute a settlement agreement and release
42 in an amount not to exceed \$4,750.00, to settle all claims arising out of or concerning issues
43 raised in Joseph T. Keller v. County of Summit, et al., Case No. CV-2016-09-4006, before Judge
44 Paul J. Gallagher in the County of Summit Court of Common Pleas - General Division,
45 appealing an order by the Ohio Industrial Commission concerning a workers' compensation
46 claim, Claim No. 15-836904 (the "Appeal") and all related workers' compensation claims. The
47 settlement agreement shall include a release and discharge by Joseph T. Keller of all claims
48 against the County of Summit.
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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 approving the aforementioned settlement within the appropriate time afforded by Ohio law.
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10 SECTION 3

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12 Provided this Resolution receives the affirmative vote of eight members, it shall take
13 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
14 effect and be in force at the earliest time provided by law.
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16 SECTION 4

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18 It is found and determined that all formal actions of this Council concerning and relating
19 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
20 deliberations of this Council and of any of its committees that resulted in such formal action,
21 were in meetings open to the public, in compliance with all legal requirements, including Section
22 121.22 of the Ohio Revised Code.
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25 INTRODUCED September 25, 2017

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27 ADOPTED October 16, 2017

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32 CLERK OF COUNCIL

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39 PRESIDENT OF COUNCIL

40 APPROVED October 17, 2017

41 EXECUTIVE

ENACTED EFFECTIVE October 17, 2017

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