

1 RESOLUTION NO. 2017-446

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE October 30, 2017 COMMITTEE Rules

6  
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 Houston Casualty**  
9 **Company, the County's liability insurer, toward the costs of legal representation and**  
10 **services on behalf of the County and Tokio Marine Houston Casualty Company, to**  
11 **investigate potential litigation concerning an incident at the Summit County Jail, for the**  
12 **Executive and the Sheriff, and declaring an emergency.**

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14 WHEREAS, on September 2, 2017, an inmate, Anthony Jones, died after an incident at  
15 the Summit County Jail and his family is represented by legal counsel, who has contacted the  
16 County concerning the incident; and

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18 WHEREAS, the County's liability insurer, Tokio Marine Houston Casualty Company,  
19 has agreed to defend the County and has retained legal counsel, Sutter O'Connell Co., to provide  
20 legal representation and services on behalf of the County and Tokio Marine Houston Casualty  
21 Company to investigate potential litigation concerning the incident; and

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

26  
27 WHEREAS, in order to have Sutter O'Connell Co. provide legal representation and  
28 services on behalf of the County and Tokio Marine Houston Casualty Company in the lawsuit,  
29 the County is required to pay the first \$75,000.00 of costs, representing its self-insured retention;  
30 and

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32 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
33 that it is necessary and in the best interest of the County of Summit the County Executive to pay  
34 an amount not to exceed \$75,000.00, to Tokio Marine Houston Casualty Company toward the  
35 costs of legal representation and services on behalf of the County and Tokio Marine Houston  
36 Casualty Company to investigate potential litigation concerning the incident at the County Jail;

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

40  
41 SECTION 1

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43 The County Executive is hereby authorized to pay an amount not to exceed \$75,000.00,  
44 representing the County's self-insured retention, to Tokio Marine Houston Casualty Company,  
45 the County's liability insurer, toward the costs of legal representation and services by legal  
46 counsel, Sutter O'Connell Co. on behalf of the County and Tokio Marine Houston Casualty  
47 Company to investigate potential litigation concerning the death of inmate Anthony Jones after  
48 an incident at the Summit County Jail.

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1 RESOLUTION NO. 2017-446

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 Co. on behalf of  
9 the County and Tokio Marine Houston Casualty Company to investigate potential litigation  
10 concerning the aforementioned incident at the Summit County Jail.

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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 October 16, 2017

28  
29 ADOPTED October 30, 2017

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33 \_\_\_\_\_  
34 CLERK OF COUNCIL

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

35 APPROVED October 31, 2017

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38 \_\_\_\_\_  
39 EXECUTIVE

40  
41 ENACTED EFFECTIVE October 31, 2017

Voice Vote: 10-0 YES: Crawford, Dickinson, Feeman, Hamilton, Koehler,  
Prentice, Rodgers, Schmidt, Walters, Wilhite  
ABSENT: Donofrio