

1 RESOLUTION NO. 2019-031

2  
3 SPONSOR Ms. Shapiro

4  
5 DATE February 11, 2019

COMMITTEE Rules

6  
7 **A Resolution authorizing the County Executive to execute a settlement agreement and**  
8 **release, in an amount not to exceed \$5,000.00, to settle all claims arising out of or**  
9 **concerning issues raised in an appeal of an order concerning a Workers' Compensation**  
10 **claim, Kimberly Winston v. Summit County, et al., and all related Workers' Compensation**  
11 **claims, for the Executive and the Prosecutor, and declaring an emergency.**

12  
13 WHEREAS, Kimberly Winston, an employee of the County Executive's Department of  
14 Job and Family Services filed a complaint appealing an order of the Ohio Industrial Commission  
15 concerning her Workers' Compensation claim, Claim No. 11-805871, against the County of  
16 Summit and the Administrator, Bureau of Workers' Compensation, Kimberly Winston v.  
17 Summit County, et al., Case No. CV-2018-03-1093, before Judge Kelly L. McLaughlin in the  
18 County of Summit Court of Common Pleas - General Division appealing (the "Appeal"); and  
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20 WHEREAS, in consultation with the County Prosecutor, the County Executive has  
21 reached terms of settlement with Ms. Winston by and through her legal counsel to settle the  
22 Appeal for an amount not to exceed \$5,000.00; and  
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24 WHEREAS, pursuant to the settlement agreement and release, Ms. Winston will dismiss  
25 the Appeal with prejudice, costs to Plaintiff; dismiss all related Workers' Compensation claims  
26 with prejudice and release and discharge the County of Summit and the Ohio Bureau of  
27 Workers' Compensation from her claims against them; and  
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29 WHEREAS, pursuant to the settlement agreement, the County will pay Ms. Winston an  
30 amount not to exceed \$5,000.00 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 authorize the  
34 County Executive to execute a settlement agreement and release to settle the Appeal for an  
35 amount not to exceed \$5,000.00, for the aforementioned reasons;  
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37 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
38 of Ohio, that:

39  
40 SECTION 1

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42 The County Executive is hereby authorized to execute a settlement agreement and  
43 release, in an amount not to exceed \$5,000.00, to settle all claims arising out of or concerning  
44 issues raised in Kimberly Winston v. Summit County, et al., Case No. CV-2018-03-1093, before  
45 Judge Kelly L. McLaughlin in the County of Summit Court of Common Pleas - General  
46 Division, appealing an order by the Ohio Industrial Commission concerning a Workers'  
47 Compensation claim, Claim No. 11-805871 (the "Appeal") and all related Workers'  
48 Compensation claims. The settlement agreement shall include a release and discharge by  
49 Kimberly Winston of all claims against the County of Summit.  
50

1 RESOLUTION NO. 2019-031

2 PAGE TWO

3  
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 residents of the County of Summit and for the further purpose of immediately  
8 authorizing the execution of the settlement agreement within the time afforded by law following  
9 the Executive and Prosecutor reaching the terms of a settlement with Ms. Winston.

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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.

16  
17 SECTION 4

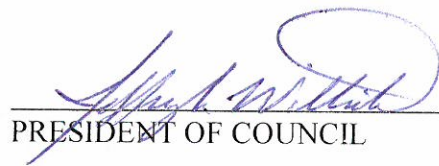
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19 It is found and determined that all formal actions of this Council concerning and relating  
20 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
21 deliberations of this Council and of any of its 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 January 28, 2019

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28 ADOPTED February 11, 2019

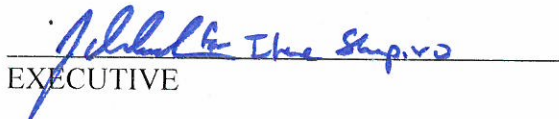
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33 CLERK OF COUNCIL

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38 PRESIDENT OF COUNCIL

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40 APPROVED February 12, 2019

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EXECUTIVE

ENACTED EFFECTIVE February 12, 2019

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