

1 RESOLUTION NO. 2013-072

Late Filing

2  
3 SPONSOR Mr. Pry

4  
5 DATE March 4, 2013

COMMITTEE Personnel

6  
7 **A Resolution authorizing the County Executive to execute a consent decree, which requires**  
8 **the County of Summit to pay an amount not to exceed \$400,000.00, to settle all claims**  
9 **arising out of or concerning issues raised in a lawsuit, *Jacquetta Hawkins, et al. and the***  
10 ***United States of America v. Summit County, Ohio, et al.*, Case No. 5:11CV2753, before Judge**  
11 **Sara Lioi in the United States District Court for the Northern District of Ohio, Eastern**  
12 **Division, and adjusting appropriations totaling \$400,000.00 for the Sheriff, the Prosecutor**  
13 **and the Executive, and declaring an emergency.**

14  
15 WHEREAS, Jacquetta Hawkins and several other County Sheriff's Deputies filed a  
16 lawsuit against the County Sheriff's Office, the County Sheriff and the County of Summit,  
17 *Jacquetta Hawkins, et al. and the United States of America v. Summit County, Ohio, et al.*, Case  
18 No. 5:11CV2753, before Judge Sara Lioi in the United States District Court for the Northern  
19 District of Ohio, Eastern Division, alleging that the County subjected them to disparate terms and  
20 conditions of employment on the basis of their sex by sex-segregating Deputy Sheriff's positions  
21 at the Summit County Jail in violation of Title VII of the Civil Rights Act of 1964 and the Ohio  
22 Revised Code; and

23  
24 WHEREAS, due to the Title VII allegations, the United States of America intervened in  
25 the lawsuit through the U.S. Justice Department; and

26  
27 WHEREAS, in consultation with the County Prosecutor, the County Executive and the  
28 County Sheriff have reached terms of settlement with Ms. Hawkins and the other named  
29 plaintiffs through their legal counsel and with the U.S. Justice Department to settle the lawsuit  
30 through a consent decree, which requires the County to pay an amount not to exceed  
31 \$400,000.00; and

32  
33 WHEREAS, It is necessary to reduce the Sheriff's salary and benefit appropriations  
34 within the Sheriff's general fund jail budget to cover the cost of such settlement.

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36 WHEREAS, the consent decree also addresses any claims that might be made by other  
37 Sheriff's Deputies who are not named plaintiffs in the lawsuit; and

38  
39 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
40 that it is necessary and in the best interest of the County of Summit to authorize the Executive to  
41 execute the aforementioned consent decree, which requires the County to pay an amount not to  
42 exceed \$400,000.00 to settle the lawsuit filed by Ms. Hawkins and the other named plaintiffs for  
43 the aforementioned reasons;

44  
45 NOW, THEREFORE, BE IT RESOLVED by the Council of the County of Summit, State  
46 of Ohio, that:  
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3  
4 SECTION 1

5  
6 The County Executive is hereby authorized to execute a consent decree, attached hereto  
7 as Exhibit A and incorporated herein as if fully restated (the "Consent Decree"), which requires  
8 the County of Summit to pay an amount not to exceed \$400,000.00, to settle all claims arising  
9 out of or concerning issues raised in a lawsuit, *Jacquetta Hawkins, et al. and the United States of*  
10 *America v. Summit County, Ohio, et al.*, Case No. 5:11CV2753, before Judge Sara Lioi in the  
11 United States District Court for the Northern District of Ohio, Eastern Division. The County  
12 Executive is hereby authorized to execute the Consent Decree in substantially the form attached  
13 hereto as Exhibit A. The Consent Decree is approved with changes therein not inconsistent with  
14 this Resolution and not substantially adverse to the County which shall be approved by the  
15 County Executive; provided that the approval of those changes by the County Executive and the  
16 character of such changes as not being substantially adverse to the County shall be evidenced  
17 conclusively by the execution of the Consent Decree.

18  
19 SECTION 2

20  
21 Appropriations are hereby adjusted as follows:

22 Account	23 Description	24 Decrease	25 Increase
26 Fiscal Year 2013			
27 Sheriff – General Fund Jail			
28 10003-3003-20501	Salaries	\$150,000.00	
29 10003-3003-25501	Benefits	\$65,000.00	
30 10003-8016-60501	Judgments		\$215,000.00
31			
32			
33 Fiscal Year 2014			
34 Sheriff – General Fund Jail			
35 10003-3003-20501	Salaries	\$55,000.00	
36 10003-3003-25501	Benefits	\$27,500.00	
37			
38 10003-8016-60501	Judgments		\$82,500.00
39			
40			
41 Fiscal Year 2015			
42 Sheriff – General Fund Jail			
43 10003-3003-20501	Salaries	\$55,000.00	
44 10003-3003-25501	Benefits	\$27,500.00	
45			
46 10003-8016-60501	Judgments		\$82,500.00
47			

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2 PAGE THREE

3  
4 SECTION 2 (cont'd.)

5  
6 Fiscal Year 2016

7 Sheriff - General Fund Jail

8 10003-3003-20501

Salaries

\$14,000.00

9 10003-3003-25501

Benefits

\$6,000.00

10  
11 10003-8016-60501

Judgments

\$20,000.00

12  
13 Total

\$400,000.00

\$400,000.00

14  
15 SECTION 3

16  
17 This Resolution is hereby declared an emergency in the interest of the health, safety and  
18 welfare of the citizens of the County of Summit and for the for the further purpose of  
19 immediately sparing County taxpayers further expense related to the lawsuit filed by Ms.  
20 Hawkins and the other named plaintiffs.

21  
22 SECTION 4

23  
24 Provided this Resolution receives the affirmative vote of eight members, it shall take  
25 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
26 effect and be in force at the earliest time provided by law.

27  
28 SECTION 5

29  
30 It is found and determined that all formal actions of this Council concerning and relating  
31 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
32 deliberations of this Council and of any of its committees that resulted in such formal action,  
33 were in meetings open to the public, in compliance with all legal requirements, including Section  
34 121.22 of the Ohio Revised Code.


35  
36  
37 INTRODUCED February 11, 2013

38  
39 ADOPTED March 4, 2013

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42   
43 CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

44  
45 APPROVED March 5, 2013

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48   
49 EXECUTIVE

50  
51 ENACTED EFFECTIVE March 5, 2013

Voice Vote: 8-0: YES: Komunale, Crawford, Feeman, Kostandaras, Kurt, Rodgers  
Roemer, Schmidt. Absent: Lee, Prentice, Shapiro