

1 RESOLUTION NO. 2020-250

2  
3 SPONSOR Ms. Shapiro

4 DATE August 17, 2020

5 COMMITTEE Rules

6  
7 **A Resolution authorizing the Executive to execute a settlement agreement and release, for**  
8 **an amount not to exceed \$125,000.00, to settle any and all claims arising out of or**  
9 **concerning issues raised in the claim brought on behalf of the Estate of Brittany Rae Berry**  
10 **also known as Brittany Rae Schlarb, for the Executive and the Sheriff, and declaring an**  
11 **emergency.**

12  
13 WHEREAS, the Estate of Brittany Rae Berry also known as Brittany Rae Schlarb (“the  
14 Estate”) brought a claim against the County of Summit, concerning the death of Ms. Schlarb  
15 while she was incarcerated in the Jail (the “Claim”); and

16  
17 WHEREAS, in consultation with outside counsel, the Executive and the Sheriff have  
18 reached terms of settlement with the Administrator of the Estate through her legal counsel to  
19 settle the Claim, for an amount not to exceed \$125,000.00; and

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21 WHEREAS, pursuant to the settlement agreement and release, the Estate will settle the  
22 Claim and forever discharge the County and all related parties from any and all claims against  
23 them; and

24  
25 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
26 that it is necessary and in the best interest of the County of Summit to settle the Claim for an  
27 amount not to exceed \$125,000.00, for the aforementioned reason;

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

31  
32 SECTION 1

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34 The Executive is hereby authorized to execute a settlement agreement and release for an  
35 amount not to exceed \$125,000.00, to settle any and all claims arising out of or concerning issues  
36 raised in (the “Claim”). The settlement agreement shall include a release and discharge by the  
37 Estate of Brittany Rae Berry also known as Brittany Rae Schlarb of any and all claims against  
38 the County of Summit and all related parties.

39  
40 SECTION 2

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42 This Resolution is hereby declared an emergency in the interest of the health, safety and  
43 welfare of the residents of the County of Summit and for the further reason of immediately  
44 settling any and all claims arising out of or concerning issues raised in the Claim against the  
45 County and all related parties.

46  
47 SECTION 3

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

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2 PAGE TWO


3  
4 SECTION 4

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6 It is found and determined that all formal actions of this Council concerning and relating  
7 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
8 deliberations of this Council and of any of its committees that resulted in such formal action,  
9 were in meetings open to the public, in compliance with all legal requirements, including Section  
10 121.22 of the Ohio Revised Code.

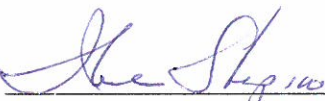
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13 INTRODUCED August 3, 2020

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15 ADOPTED August 17, 2020

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19 \_\_\_\_\_  
20 CLERK OF COUNCIL

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

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22 APPROVED August 19, 2020

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26 \_\_\_\_\_  
27 EXECUTIVE

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29 ENACTED EFFECTIVE August 19, 2020

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