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RESOLUTION NO. 2022-161

SPONSOR Executive Shapiro

DATE June 13, 2022

COMMITTEE Rules

**A Resolution authorizing the Executive to pay an amount not to exceed \$75,000.00, representing the County’s self-insured retention, to Tokio Marine Houston Casualty Company, the County’s liability insurer, toward the costs of legal representation and services on behalf of the County and Tokio Marine Houston Casualty Company, to investigate potential litigation concerning an incident at the Jail, for the Executive and the Sheriff, and declaring an emergency.**

WHEREAS, on October 12, 2020, an inmate, Patrick Butcher, committed suicide at the Jail and his family is represented by legal counsel, who has contacted the County concerning this incident; and

WHEREAS, the County’s liability insurer, Tokio Marine Houston Casualty Company, has agreed to defend the County and has retained counsel to provide legal representation and services on behalf of the County and Tokio Marine Houston Casualty Company for potential litigation concerning this incident; and

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

WHEREAS, in order to have counsel provide investigative and legal representation services on behalf of the County and Tokio Marine Houston Casualty Company for this incident, the County is required to pay the first \$75,000.00 of costs, representing its self-insured retention; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information, that it is necessary and in the best interest of the County of Summit for the Executive to pay an amount not to exceed \$75,000.00, to Tokio Marine Houston Casualty Company toward the costs of investigative and legal representation services by counsel on behalf of the County and Tokio Marine Houston Casualty Company;

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

SECTION 1

The Executive is hereby authorized to pay an amount not to exceed \$75,000.00, representing the County’s self-insured retention, to Tokio Marine Houston Casualty Company, the County’s liability insurer, toward the costs of investigative and legal representation services by counsel on behalf of the County and Tokio Marine Houston Casualty Company concerning potential litigation resulting from the death of inmate Patrick Butcher at the Jail.

1 RESOLUTION NO. 2022-161

2 PAGE TWO

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4 SECTION 2

5

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 obtaining investigative and legal representation services by counsel on behalf of the County and  
9 Tokio Marine Houston Casualty Company.

10

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.

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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 May 23, 2022

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28 ADOPTED June 13, 2022

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32 CLERK OF COUNCIL

DocuSigned by:  
*Elizabeth Walters*  
D522031D43044CF...  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

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34 APPROVED June 17, 2022

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37 \_\_\_\_\_

38 EXECUTIVE

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40 ENACTED EFFECTIVE June 17, 2022

Voice Vote – YES: 11-0: Darrow, DeVitis, Dickinson, Donofrio,  
McKenney, Rodgers, Schmidt, Sims, Walters, Wiedie Higham, Wilhite