

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE appropriating \$10,700.00 from the fund balance of the 2011 Special Road & Bridge Fund in acceptance of insurance proceeds for the replacement of a vehicle for use by the Sheriff's Office.

ORDINANCE #4328, July 25, 2011

INTRODUCED BY James D. Tindall, County Legislator

WHEREAS, the County has received insurance proceeds from State Farm Insurance representing the fair market value of a Sheriff's vehicle rendered a total loss as a result of a motor vehicle accident on February 24, 2009; and,

WHEREAS, an appropriation is necessary to place the insurance proceeds in the proper spending account so that the vehicle can be replaced; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri, that the following appropriation be and hereby is made:

<u>DEPARTMENT/DIVISION</u>	<u>CHARACTER/DESCRIPTION</u>	<u>FROM</u>	<u>TO</u>
Special Road & Bridge Fund			
Sheriff's Department			
004-4201	47040 - Increase Revenues	\$10,700	
004-2810	Undesignated Fund Balance		\$10,700
004-2810	Undesignated Fund Balance	\$10,700	
004-4201	58120 - Automobiles		\$10,700

Effective Date: This ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Chief Deputy County Counselor



County Counselor

I hereby certify that the attached Ordinance, Ordinance #4328 introduced on July 25, 2011, was duly passed on August 1, 2011 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 6

Nays 0

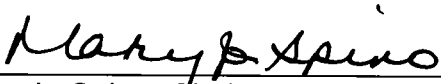
Abstaining 0

Absent 3

This Ordinance is hereby transmitted to the County Executive for his signature.

8-1-11

Date



Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance #4328.

8-2-11

Date



Michael D. Sanders, County Executive

Funds sufficient for this appropriation are available from the source indicated below.

ACCOUNT NUMBER: 010 2810

ACCOUNT TITLE: Special Road & Bridge Fund
Undesignated Fund Balance

NOT TO EXCEED: \$10,700.00

July 20, 2011

Date



Director of Finance and Purchasing

REQUEST FOR LEGISLATIVE ACTION

Completed by County Counselor's Office:

Res/Ord No.: 4328

Sponsor(s): James D. Tindall

Date: July 25, 2011

<p>SUBJECT</p>	<p>Action Requested <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance</p> <p>Project/Title: Transfer of Insurance Settlement for 2005 Crown Victoria Patrol Vehicle to Line Item Automobiles</p>																		
<p>BUDGET INFORMATION <i>To be completed By Requesting Department and Finance</i></p>	<table border="1"> <tr> <td>Amount authorized by this legislation this fiscal year:</td> <td>10,700</td> <td>\$</td> </tr> <tr> <td>Amount previously authorized this fiscal year:</td> <td></td> <td>\$</td> </tr> <tr> <td>Total amount authorized after this legislative action:</td> <td>\$10,700.00</td> <td></td> </tr> <tr> <td>Amount budgeted for this item * (including transfers):</td> <td></td> <td>\$</td> </tr> <tr> <td>Source of funding (name of fund) and account code number; FROM Reimbursement Claim 004-9999-47040 / TO Automobiles 004-4201-58120</td> <td>FROM ACCT 004-9999-47040-2810 (\$10,700.00)</td> <td></td> </tr> <tr> <td>2810 - Undesignated Fund Balance</td> <td>TO ACCT 004-4201-58120</td> <td></td> </tr> </table> <p>* If account includes additional funds for other expenses, total budgeted in the account is: \$</p> <p>OTHER FINANCIAL INFORMATION:</p> <p><input type="checkbox"/> No budget impact (no fiscal note required) <input type="checkbox"/> Term and Supply Contract (funds approved in the annual budget); estimated value and use of contract: Department: Estimated Use: \$</p> <p>Prior Year Budget (if applicable): Prior Year Actual Amount Spent (if applicable):</p>	Amount authorized by this legislation this fiscal year:	10,700	\$	Amount previously authorized this fiscal year:		\$	Total amount authorized after this legislative action:	\$10,700.00		Amount budgeted for this item * (including transfers):		\$	Source of funding (name of fund) and account code number; FROM Reimbursement Claim 004-9999-47040 / TO Automobiles 004-4201-58120	FROM ACCT 004-9999-47040-2810 (\$10,700.00)		2810 - Undesignated Fund Balance	TO ACCT 004-4201-58120	
Amount authorized by this legislation this fiscal year:	10,700	\$																	
Amount previously authorized this fiscal year:		\$																	
Total amount authorized after this legislative action:	\$10,700.00																		
Amount budgeted for this item * (including transfers):		\$																	
Source of funding (name of fund) and account code number; FROM Reimbursement Claim 004-9999-47040 / TO Automobiles 004-4201-58120	FROM ACCT 004-9999-47040-2810 (\$10,700.00)																		
2810 - Undesignated Fund Balance	TO ACCT 004-4201-58120																		
<p>PRIOR LEGISLATION</p>	<p>Prior ordinances and (date): Prior resolutions and (date):</p>																		
<p>CONTACT INFORMATION</p>	<p>RLA drafted by Captain Christopher Campbell 524-4302 X 72249</p>																		
<p>REQUEST SUMMARY</p>	<p>Request \$10,700.00 to be appropriated from the 2011 fund balance of the Special Road and Bridge Fund. Insurance proceeds from State Farm Insurance in the amount of \$10,700.00, were received due to the total loss of Sheriff's Office vehicle VIN 2FAFP71W35X105017 from a crash on 02-24-09. The Sheriff's Office wishes to replace the vehicle.</p> <p>Please appropriate \$10,700.00 into the following line item 004-4201-58120</p>																		
<p>CLEARANCE</p>	<p><input type="checkbox"/> Tax Clearance Completed (Purchasing & Department)</p>																		

	<input type="checkbox"/> Business License Verified (Purchasing & Department)	
	<input type="checkbox"/> Chapter 6 Compliance - Affirmative Action/Prevailing Wage (County Auditor's Office)	
ATTACHMENTS		
REVIEW	Department Director: <i>Milica Sharp</i>	Date: <i>7-15-11</i>
	Finance (Budget Approval): <i>If applicable</i> <i>Robert Ball</i>	Date: <i>7-19-11</i>
	Division Manager: <i>Joseph Bunches Sr.</i>	Date: <i>7-19-2011</i>
	County Counselor's Office:	Date:

Fiscal Information (to be verified by Budget Office in Finance Department)

- This expenditure was included in the annual budget.
- Funds for this were encumbered from the _____ Fund in _____.
- There is a balance otherwise unencumbered to the credit of the appropriation to which the expenditure is chargeable and there is a cash balance otherwise unencumbered in the treasury to the credit of the fund from which payment is to be made each sufficient to provide for the obligation herein authorized.
- Funds sufficient for this expenditure will be/were appropriated by Ordinance # _____
- Funds sufficient for this appropriation are available from the source indicated below.

Account Number: 004-9999-47040 <i>004-2810</i>	Account Title: <i>Road & Bridge</i> Reimbursement for Damages Claim Undesignated <i>Fund Balance</i>	Amount Not to Exceed: \$10,700.00
---	---	--------------------------------------

- This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases will, of necessity, be determined as each using agency places its order.
- This legislative action does not impact the County financially and does not require Finance/Budget approval.

LAW OFFICES

FURRY AND SMITH, P.C.

BUILDING 5 HIDDEN CREEK OFFICE PARK
4215 SOUTH HOCKER, SUITE 300
INDEPENDENCE, MISSOURI 64055
TELEPHONE: (816) 252-0577
FACSIMILE: (816) 252-5319
WEBSITE: FURRYSMITHLAW.COM

CHRISTOPHER A. BRACKMAN
EXTENSION: 227
E-MAIL: CBRACKMAN@FURRYSMITHLAW.COM

May 9, 2011

Tracey Chappell
Jackson County Counselor's Office
415 East 12th Street, Suite 200
Kansas City, MO 64106

Telephone: 881-3355; Facsimile: 881-3398; E-mail: tchappell@jacksongov.org

In re: *Jackson County vs. Derek & David Cox*, Case No.: 0916-CV35180,
Division 32 [Robert L. Trout]
Our File: Cox, Derek & David - #1326

Dear Ms. Chappell:

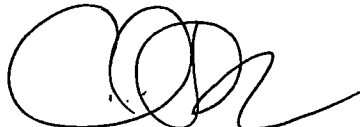
Pursuant to our agreement to settle this matter, enclosed is a check for \$10,700.00 payable to Jackson County Missouri. Also enclosed are three copies of the release and dismissal documents.

The enclosed check is provided under the usual condition that it will not be negotiated until the stipulations and releases have been properly executed and returned to this office. Upon receipt, we will file the dismissal with the Court and provide you a file-stamped copy once received.

Thank you for your courtesy and consideration in the amicable conclusion of this matter.

Very Truly Yours,

FURRY AND SMITH, P.C.

By 
Christopher A. Brackman

	DATE	INITIALS
Received:	5/31	CB
Deposited:	/	/
Recorded:	/	/

CAB: me
Enclosures

State Farm - David Cox damage claim

004-9999-47040-99

GENERAL RELEASE & INDEMNIFICATION AGREEMENT

For the sole consideration of TEN-THOUSAND SEVEN-HUNDRED AND NO/100 DOLLARS (\$10,700.00), the receipt and sufficiency whereof is hereby acknowledged, the undersigned hereby releases and forever discharges Derek Cox, his heirs, executors, administrators, agents and assigns, David Cox, his heirs, executors, administrators, agents and assigns, and State Farm Mutual Automobile Insurance Company, their heirs, executors, administrators, agents and assigns, and all other persons, firms or corporations liable or who might be claimed to be liable, none of whom admit any liability to the undersigned but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, and particularly on account of all injuries, known or unknown, both to person and property, which have resulted or may in the future develop from an accident which occurred on or about the 24th day of February, 2009, at or near the intersection of U.S. Highway 40 and Adams Dairy Parkway, in the City of Blue Springs, Jackson County, Missouri.

As consideration of the aforesaid payment, the undersigned claimant agrees to dismiss with prejudice its law suit, *Jackson County Missouri v. Derek Cox, et al.*, Case No.: 0916-CV35180, currently pending in Jackson County Circuit Court, Missouri, with each party to bear their own costs.

As further consideration of the aforesaid payment, the undersigned claimant agrees to satisfy out of the proceeds of this settlement all liens arising out of the aforesaid accident any liens arising out of any property damage or services received by the undersigned to which this claim relates. The undersigned further agrees to defend, protect, indemnify and hold harmless the persons and parties hereby released against loss from any and all claims, demands, actions, and attorney's fees that may hereafter be made or brought against the persons and parties hereby released by anyone who claims a lien or right of reimbursement against the amount of this settlement, or any other person, firm or corporation making any claim regarding any services rendered to the undersigned claimant for any injuries and/or property damage sustained by it as a result of the aforesaid automobile accident, including, but not limited to doctor liens, ERISA liens, hospital liens, health insurance liens, workers compensation liens, personal injury protection liens, claims for contribution, or claims for reimbursement, or the like, and the undersigned claimant hereby waives any and all rights of exemption, both as to real and personal property, to which they may be entitled as against such claims for reimbursement or indemnity.

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, their heirs, executors, agents and assigns.

Undersigned hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise, adjustment and settlement of any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims it may have arising out of the aforesaid accident.

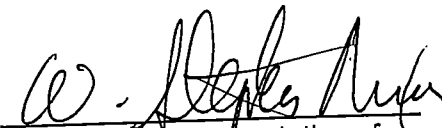
Undersigned hereby accepts draft or drafts as final payment of the consideration set forth above.

In witness whereof,

The undersigned has set his hand and seal this 16th day of May, 2011.

Jackson County, Missouri – Claimant

Signed


Authorized Representative of
Jackson County, Missouri

State Farm Insurance Companies



Centralized Total Loss
PO Box 1384
Columbia, Missouri 65205-9726

MO SALES TAX CERTIFICATE

OWNER

NAME: JACKSON COUNTY
ADDRESS: 415 E 12th St Rm 105
Kansas City
MO 64106

TO WHOM IT MAY CONCERN:

RE: Claim Number: 25-6395-483
Date Of Loss: February 24, 2009
Our Insured: David Cox

COPY

VEHICLE DESCRIPTION

MAKE: Ford
MODEL: Crown Victoria
YEAR: 2005
VIN: 2FAFP71W35X105017

In accordance with Section 144.027, RS Mo, and the Missouri Titling Manual, Section 7, Page 4, the above vehicle has been rendered a total loss as a result of damage or theft. Settlement has been made to the owner as follows:

Total Actual Cash Value: \$5,800.00
Retained Salvage Value: \$680.00 (if applicable)
Insurance Proceeds: \$5,120.00 (includes deductible if applicable)

Date Paid: 5/4/2011

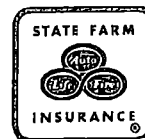
As an agent of State Farm Mutual Automobile Insurance Company, I hereby certify that the information contained in this certificate is true and accurate.

Signed: *Debra Collier*
Representative

NOT VALID AFTER 180 DAYS

State Farm Mutual Automobile Insurance Company

State Farm Insurance Companies



May 5, 2011

Centralized Total Loss
PO Box 1384
Columbia, Missouri 65205-9726

Jackson County Missouri
415 E 12th St Rm 105
Kansas City, MO 64106

RE: Claim Number: 25-6395-483
Date of Loss: February 24, 2009
Our Insured: David Cox
Vehicle: 2005 Ford Crown Vict
VIN: 2FAFP71W35X105017
Vehicle Owner: JACKSON COUNTY
Date of Payment: 5/4/2011

COPY

**NOTICE OF SALVAGED VEHICLE TITLING REQUIREMENTS
COMPATIBLE WITH MISSOURI FORM 5043 (REV 8-2007)
APPROVED BY MISSOURI DEPARTMENT OF REVENUE**

INSTRUCTIONS TO VEHICLE OWNER:

In accordance with Section 301.020, RSMo, the Department of Revenue (department) has been notified that a total loss claim payment has been paid to the vehicle owner listed above. The vehicle was less than seven years old at the time of damage and the damage exceeds 80 percent of the pre-damaged fair market value of the vehicle and therefore qualifies the vehicle as a salvage vehicle or a prior salvage vehicle. You must apply for a salvage or prior salvage title by submitting the requirements in Section A or B.

SECTION A

If the vehicle is not operable, you must obtain a salvage title by submitting the following items within 30 days to your local contract office or directly to the Motor Vehicle Bureau
P.O. Box 100
Jefferson City, Mo 65101-0100

1. Application for Missouri Title and License (DOR-108), marked salvage;
 2. Original Certificate of Title for the damaged vehicle listed above;
 3. A notarized lien release if a lien is recorded on the face of the original Certificate of Title, if applicable;
- Note:** If a notarized lien release is not submitted, the lien will be recorded on the face of the Salvage Certificate

Jackson County Missouri
Page 2
May 5, 2011

of Title.

4. A copy of this form;
5. \$8.50 title fee and \$2.50 processing fee; and
6. \$5.00 quick title fee, if applicable.

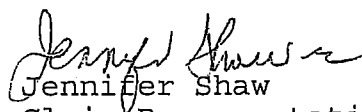
SECTION B

If the vehicle is operable (regardless of whether or not repairs have been made), you may obtain a prior salvage title by submitting the following items within 30 days to your local contract office or directly to the Motor Vehicle Bureau
P.O. Box 100
Jefferson City, Mo 65101-0100

1. Application for Missouri Title and License (DOR-108), marked Prior Salvage;
2. Original Certificate of Title for the damaged vehicle listed above;
3. An inspection from an Official Safety Inspection Station:
 - a. A current safety inspection not more than 60 days old if the vehicle will be registered; or
 - b. An Identification/Odometer (ID/OD) inspection if the vehicle will not be registered at this time.
4. A copy of this form;
5. \$8.50 title fee and \$2.50 processing fee; and
6. \$5.00 quick title fee, if applicable.

Once a Certificate of Title branded as "Prior Salvage" has been issued, and the vehicle has been safety inspected, the current vehicle license plates may be affixed to the vehicle and it may be driven on the roadways.

Sincerely,


Jennifer Shaw
Claim Representative
(800) 736-8530

State Farm Mutual Automobile Insurance Company

cc: Missouri Department of Revenue
P.O. Box 100
Jefferson City, MO 65101-0100