

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Counselor to settle the claims of Larry and Connie Driskell, in the case styled Larry Driskell, et al v. Jackson County, Missouri, No. 1216-CV07233, now pending in the Circuit Court of Jackson County, Missouri, for a total payment by the County of \$300,000.00.

RESOLUTION NO. 18127, March 18, 2013

INTRODUCED BY Greg Grounds and Dennis Waits, County Legislators

WHEREAS Larry and Connie Driskell filed a lawsuit, styled Larry Driskell, et al v. Jackson County, Missouri, No. 1216-CV07233, now pending in the Circuit Court of Jackson County, Missouri, seeking compensation for damages sustained when Larry Driskell fell while riding his bicycle on Little Blue Trace Trail; and,

WHEREAS, after a thorough investigation and negotiations, the County Counselor recommends a settlement in the amount of \$300,000.00 to be paid by the County to Larry and Connie Driskell through their attorney Brandon Henry of Wagstaff & Cartmell; and,

WHEREAS, the proposed settlement will limit the County's financial obligation in this matter and is in the best interests of the health, safety, and welfare of the citizens of Jackson County; now therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri, that the County Counselor be and hereby is authorized to settle the claims of Larry and Connie Driskell, in the case styled Larry Driskell, et al v. Jackson County, Missouri, No. 1216-CV07233, by the total payment of \$300,000.00, in full, final and complete release of all of the claims against

the County and all of its employees, officers, agents, and servants, as to any damages incurred; and,

BE IT FURTHER RESOLVED that the County Counselor be and hereby is authorized to execute any and all documents necessary to effect this settlement; and,

BE IT FURTHER RESOLVED that the Director of Finance and Purchasing be and hereby is authorized to issue a check or checks in an amount totaling \$300,000.00 in full and complete settlement of this claim, payable to Larry and Connie Driskell and/or their attorney, Brandon Henry, pursuant to the specific direction of the County Counselor.

Effective Date: This Resolution shall be effective immediately upon its passage by a majority of the Legislature.

APPROVED AS TO FORM:

Jim D. Holden
Chief Deputy County Counselor

W. Hayes Ripston
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution No. 18127 of March 18, 2013, was duly passed on March 18, 2013 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

3-18-13
Date

Mary Jo Spino
Mary Jo Spino, Clerk of Legislature

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.

ACCOUNT NUMBER: 060 5160 56380
ACCOUNT TITLE: Self Insurance Fund
Non-Departmental
Uninsured Claimants
NOT TO EXCEED: \$300,000.00

March 18, 2013
Date

D. Tony Thomas
Director of Finance and Purchasing