

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Counselor to settle the claims against Jackson County and certain Jackson County defendants, now pending in the case of Barnard v. Burgess, No. 4:11-cv-00870-FJG, United States District Court for the Western District of Missouri, for the total payment of \$415,380.62.

RESOLUTION #17912, June 4, 2012

INTRODUCED BY Dan Tarwater and Dennis Waits, County Legislators

WHEREAS, there is now pending in the United States District Court for the Western District of Missouri the case of Barnard v. Burgess, No. 4:11-cv-00870-FJG; and,

WHEREAS, in this case, the plaintiff, Cynthia Barnard, has alleged that the defendants, former Deputy Sheriff Steven Burgess, former Sheriff Thomas Phillips, former Undersheriff Bobby Kreidler, and Jackson County, violated her civil rights, when defendant Burgess assaulted her in 2007; and,

WHEREAS, the plaintiff alleges that this assault was in furtherance of a Jackson County policy and that defendants Phillips and Kreidler enabled the assault to occur through inadequate training and/or supervision; and,

WHEREAS, defendants Jackson County, Phillips, and Kreidler admit that an assault did occur, but deny that it was in any way the result of a County policy or inadequate training and/or supervision on the part of defendants Phillips and/or Kreidler; and,

WHEREAS, in the interests of resolving this matter and avoiding the uncertainty and expense of further litigation, plaintiff and defendants Jackson County, Phillips, and Kreitler, have agreed to settle the claims against these defendants for the payment of \$415,380.62 to plaintiff, in exchange for her full and complete release of all claims against these defendants; and,

WHEREAS, this settlement will limit the County's financial obligation in this matter and is in the best interests of the health, welfare, and safety 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 against defendants Jackson County, Thomas Phillips, and Bobby Kreitler, now pending in the case of Barnard v. Burgess, No. 4:11-cv-00870-FJG, United States District Court for the Western District of Missouri, for the total payment of \$415,380.62; and,

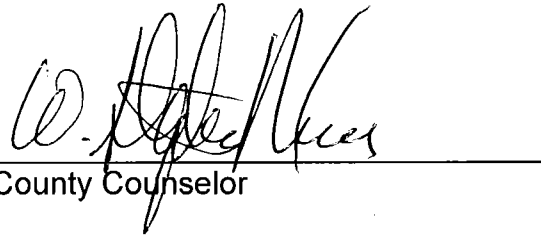
BE IT FURTHER RESOLVED that, upon the execution of an appropriate settlement agreement consistent with the terms of this Resolution, the Director of Finance and Purchasing be and hereby is authorized to execute a check or checks in the total amount of \$415,380.62, pursuant to the specific direction 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:



Chief Deputy County Counselor



County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17912 of June 4, 2012, was duly passed on June 4, 2012 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 9


Nays 0

Abstaining 0

Absent 0

6.4.12

Date



Mary Jo Spino, Clerk of Legislature