

**IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI**

**A RESOLUTION** authorizing the County Counselor to settle the claim of Southwestern Bell Telephone Company for the total payment by the County of \$8,193.00.

**RESOLUTION #17687** October 3, 2011

**INTRODUCED BY** Dennis Waits, County Legislator

WHEREAS, section 1606.1(3), Jackson County Code, 1984, authorizes the settlement of claims in excess of \$5,000.00 upon recommendation of the County Counselor, by Resolution of the Legislature; and,

WHEREAS, Southwestern Bell Telephone Company has made a claim against the County seeking compensation for alleged damage by a County employee to a telephone line located in the Salem East Subdivision in unincorporated Jackson County; and,

WHEREAS, after thorough investigation and negotiations, the County Counselor recommends a settlement in the total sum of \$8,193.00 to be paid by the County to Southwestern Bell Telephone Company, in exchange for the full and complete release of all claims; and,

WHEREAS, the recommended settlement 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 settlement of the claims of Southwestern Bell Telephone Company, as recommended by the County Counselor, be and hereby is approved; and,

BE IT FURTHER RESOLVED that the Director of the Department of Finance and Purchasing be and hereby is authorized to issue a check in an amount totaling \$8,193.00 in full and complete settlement of this claim, payable to Southwestern Bell Telephone Company, pursuant to the specific direction of the County Counselor; and,

BE IT FURTHER RESOLVED that the County Counselor be and hereby is authorized to execute an appropriate settlement agreement and any and all other documents necessary to give full legal effect to this Resolution.

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

APPROVED AS TO FORM:

*Jim D. Hahn*  
Chief Deputy County Counselor

*W. [Signature]*  
County Counselor

Certificate of Passage

I hereby certify that the attached resolution, Resolution #17687 of October 3, 2011 was duly passed on October 3, 2011 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 8

Nays 0

Abstaining 0

Absent 1

10-3-11  
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: \$8,193.00

*September 29 2011*  
Date

*[Signature]*  
Director of Finance and Purchasing



## MEMORANDUM

From: Tracey Chappell  
Southwestern Bell d/b/a AT&T vs. Jackson County, Missouri

On or about the 1<sup>st</sup> day of December 2010, the Public Works Department was making repairs to a storm drain inlet in Salem East. During the repair job, a Southwestern Bell telephone line was severed. The damage to the telephone line was to a 200 pr and a 600 pr phone line located at 18908 E. 18<sup>th</sup> Street North, Independence, Mo. Everett Carter, Foreman, thought that minor digging could be done without damage. Everett asked his supervisor, Vint Hall, who had previously told him to dig with a shovel, if they could dig with a one foot backhoe bucket. Vint gave him the ok, Everett left the jobsite and upon returning, his crew was using a longer backhoe bucket. It is the policy of the Public Works policy to call dig-rite and locate utilities before they replace culverts, signs, mailboxes, etc. There was a miss-communication regarding the type of digging that needed to be done, however whatever process was used, Dig Rite Should have been notified, but was not.

Plaintiff estimated the cost to fix the damaged cable at ten thousand six hundred ninety three dollars and sixteen cents (\$10,693.16). Defendant negotiated a settlement with the Plaintiff in the amount of eight thousand one hundred ninety three dollars (\$8193.00). That this settlement amount would release any and all claims against Jackson County, its successors and assigns.. That it would be in the best interest of all parties that this matter be settled for the lesser amount. The check should be made payable to Southwestern Bell Telephone Co., and Plaintiff's Tax id number is 43-0529710.