



Jackson County Missouri

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri
64106
(816)881-3242

Legislation Text

File #: 20793, Version: 0

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the County Counselor to settle the claims of Abundant Life Baptist Church in the case styled Abundant Life Baptist Church v. Jackson County, MO, No. 4:20-CV-00367, now pending in United States District Court for the Western District of Missouri, for a total payment by the County of \$73,375.00.

RESOLUTION NO. 20793, October 18, 2021

INTRODUCED BY Dan Tarwater III, County Legislator

WHEREAS, Abundant Life Baptist Church has filed a lawsuit styled Abundant Life Baptist Church v. Jackson County, MO, No. 4:20-CV-00367, now pending in United States District Court for the Western District of Missouri, seeking damages for alleged deprivations of its constitutional rights concerning a previous Jackson County Health Order; and,

WHEREAS, after a thorough investigation and negotiations and after independent mediation, the County Counselor has recommended a settlement in the amount of \$73,375.00, to be paid by the County to Abundant Life Baptist Church and/or its attorney, Jonathan R. Whitehead; and,

WHEREAS, under the proposed settlement, the County's co-defendant, Truman Medical Center, the operator of the Jackson County Health Department, will pay a similar sum, all sums representing attorney's fees allegedly incurred by the plaintiff church; and,

WHEREAS, the proposed settlement will limit the County's financial obligations 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 Abundant Life Baptist Church in the case of Abundant Life Baptist Church v. Jackson County, MO, No. 4:20-CV-00367, now pending in United States District Court for the Western District of Missouri, by the total payment of \$73,375.00, 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 the attached settlement agreement and any and all other documents necessary to give effect to 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 \$73,375.00 in full and complete settlement of this claim, payable to Abundant Life Baptist Church and/or its attorney Jonathan R. Whitehead, 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 No. 20793 of October 18, 2021, was duly passed on October 18, 2021 by the Jackson County Legislature. The votes thereon were as follows:

Yeas 6

Nays 2

Abstaining 0

Absent 1

Date

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: \$73,375.00

Date

Chief Administrative Officer