

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2012 – 185

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A STIPULATION AND AGREEMENT IN THE MATTER OF CRAIG A. BREESER V. CLAYTON COUNTY BOARD OF COMMISSIONERS BEFORE THE STATE BOARD OF WORKERS' COMPENSATION FOR THE STATE OF GEORGIA; TO AUTHORIZE THE CHAIRMAN OR HIS DESIGNEE TO EXECUTE THE AGREEMENT AND OTHERWISE TO PERFORM ALL ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THIS RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, ALL AS MAY BE REQUIRED UNDER THE TERMS OF THE AGREEMENT; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, Clayton County desires to enter into a Stipulation and Agreement (hereinafter "Agreement") in the matter of Craig A. Breeser v. Clayton County Board of Commissioners (Board No. 2011-021563) as approved by the State Board of Workers' Compensation for the State of Georgia on August 28, 2012; and

WHEREAS, the County and Mr. Breeser agree to forever and irrevocably settle any and all claims and issues arising out of the underlying accident by entering into the Agreement which will not be subject to appeal, modification, alteration, reconsideration or amendment with the County maintaining the right to bring a subrogation lien pursuant to O.C.G.A. §34-9-11.1; and

WHEREAS, the parties agree that the total settlement amount is \$53,000 with \$39,750 payable to Mr. Breeser and \$13,250 payable to Rick Bradley as Mr. Breeser's attorney; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by entering into the Agreement as for the reasons stated herein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED.

Section 1. The Board of Commissioners hereby authorizes the County to enter into a Stipulation and Agreement in the matter of Craig A. Breeser v. Clayton County Board of Commissioners before the State Board of Workers' Compensation for the State of Georgia (Board No. 2011-021563) to forever and irrevocably settle any and all claims and issues arising out of the underlying accident by entering into the Agreement which will not be subject to appeal, modification, alteration, reconsideration or amendment with the County maintaining the right to bring a subrogation lien pursuant to O.C.G.A. §34-9-11.1. Further, the Board hereby authorizes the Chairman or his designee to execute the Agreement and otherwise to perform all acts necessary to accomplish the intent of this Resolution. The Board of Commissioners authorizes the Finance Director to amend the budget where necessary to reflect an appropriate revenue source and expense, all as may be required under the terms of the Agreement. The Agreement shall contain the terms and conditions in the form attached hereto.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

{SIGNATURES ON THE FOLLOWING PAGE}

SO RESOLVED, this the 4th day of September, 2012.

CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN


WOLE RALPH, VICE-CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK