

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2009 - 80

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO AN AGREEMENT WITH THE LAW FIRM OF MARY A. MILLER & ASSOCIATES, LLC, PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH SUBROGATION SERVICES WILL BE RENDERED TO CLAYTON COUNTY AS THEY RELATE TO THE RECOVERY OF POST JUDGMENT COLLECTIONS; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE AGREEMENT AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE 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, the County desires to enter into an agreement with Mary A. Miller & Associates, LLC, to engage in the practice of subrogation, which will include pursuing debts, claims and remedies against parties found to have caused damage to County owned property; and

WHEREAS, the law firm of Mary A. Miller & Associates, LLC, is qualified to assist the County in this endeavor, and the parties hereto wish to memorialize their respective understanding of the terms under which such services will be provided; 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 with Mary A. Miller & Associates, LLC, to provide the services contemplated therein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS

OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

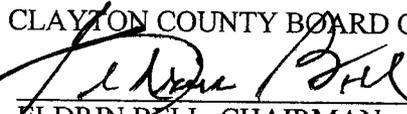
Section 1. The Board of Commissioners hereby authorizes the County to enter into an Agreement with Mary A. Miller & Associates, LLC, providing for the terms and conditions under which subrogation services will be rendered to the County as they relate to the recovery of post judgment

collections. In terms of a fee arrangement, Mary A. Miller & Associates, LLC will receive a 1/3 contingency fee on subrogation cases and 15% on arbitration cases initiated by Clayton County. Mary A. Miller & Associates will deduct their fee from any money recovered and send the balance to Clayton County. The defense of arbitration cases (not initiated by Clayton County) will be billed at an hourly rate of \$150.00 per hour. Clayton County will also be responsible for litigation expenses such as filing and recording fees and deposition transcripts. Expenses will be billed as they are incurred. Mary A. Miller & Associates will initiate subrogation proceedings at the direction of the Director of the Clayton County Department of Human Resources or her designee. The Board of Commissioners hereby authorizes the Chairman to execute the Agreement and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance 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.

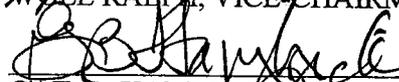
Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

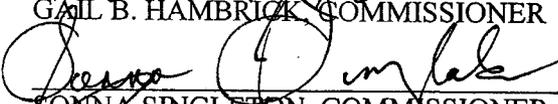
SO RESOLVED, this the 19th day of May, 2009.

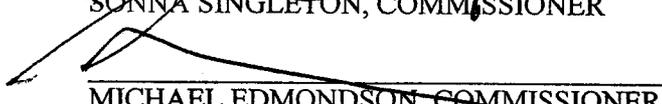
CLAYTON COUNTY BOARD OF COMMISSIONERS


ELDRIN BELL, CHAIRMAN

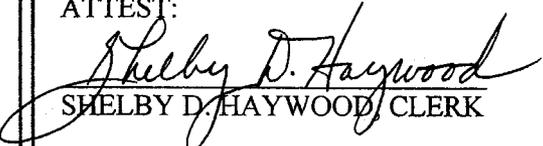

WOLE RALPH, VICE-CHAIRMAN


GAIL B. HAMBRICK, COMMISSIONER


SONNA SINGLETON, COMMISSIONER


MICHAEL EDMONDSON, COMMISSIONER

ATTEST:


SHELBY D. HAYWOOD, CLERK