STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2013-270

A RESOLUTION AUTHORIZING CLAYTON COUNTY TO ENTER INTO A STIPULATION AND AGREEMENT IN THE MATTER OF KEVIN RUCKER 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 Chief Financial Officer 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 Kevin Rucker v. Clayton County Board of Commissioners (Board No. 2012-010154) as approved by the State Board of Workers' Compensation for the State of Georgia on October 23, 2013; and

WHEREAS, the County and Mr. Rucker 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 $80,000.00 payable to Mr. Rucker with the understanding that the County will take a credit against this

amount for any lost time benefits paid beyond the date of approval of the agreement by the State Board of Workers' Compensation; 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 Stipulation and Agreement for the reasons stated herein.

WHEREAS, the parties agree and stipulate that all amounts to be paid by the employer/self-insurer to the claimant under this Stipulation and Agreement have been approved by the Georgia Subsequent Injury Trust Fund which will reimburse the employer/self-insurer for these sums pursuant to the previously approved Reimbursement Agreement.

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 Kevin Rucker v. Clayton County Board of Commissioners before the State Board of Workers' Compensation for the State of Georgia (Board No. 2012-010154) 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 Chief Financial Officer 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.

SO RESOLVED, this the 5th day of November, 2013.

CLAYTON COUNTY BOARD OF COMMISSIONERS

JEFFREY E. TURNER, CHAIRMAN

MICHAEL EDMONDSON, VICE CHAIRMAN

SONNA SINGLETON, COMMISSIONER

GAIL B. HAMBRICK, COMMISSIONER

SHANA M. ROOKS, COMMISSIONER

ATTEST:

SHELBY D. HAYWOOD, CLERK