

A RESOLUTION AUTHORIZING THE CLERK-TREASURER TO EXPEND FUNDS TO
SETTLE A CLAIM BY TOM SHANNON, AND DECLARING AN EMERGENCY

WHEREAS, on November 10, 2010, Tom Shannon, pool maintenance for the Village of Minerva Park; claims he was injured while working in the course and scope of his employment; and

WHEREAS, Tom Shannon decided to submit the claim through his health insurance company instead of filing a claim with the Bureau of Workers' Compensation and incurred \$500.00 in expenses not covered by health insurance from the injuries he claims to have sustained;

WHEREAS, while the Village disputes all Tom Shannon's allegations, the Ohio Supreme Court recognizes the authority of a municipality to enact legislation for the payment of a claim which is unenforceable by law against it but which principles of justice and equity constitute a moral obligation of the municipality;

WHEREAS, the Village of Minerva Park recognizes its moral obligation to reimburse Tom Shannon for the out-of-pocket medical expenses because of Tom Shannon's decision to not file a claim with the Bureau of Workers' Compensation and to prevent a potential increase of premiums for the Village of Minerva Park;

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. The Clerk-Treasurer is hereby authorized and directed to pay Tom Shannon the sum of Five Hundred Dollars and No Cents (\$500.00). Tom Shannon is solely responsible for the payment of any and all taxes, including penalties and interest, that might be determined to be owed on these amounts.

Section 2. The Mayor is hereby authorized and directed to enter into and execute a Release of Claims in substantially the same format and content as the document attached hereto as Exhibit A and incorporated herein by reference.

Section 3. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of Council and that all deliberations of the Council and any of the decision making bodies of the Village of Minerva Park that resulted in formal actions were in meetings open to the public in compliance with all legal requirements of the State of Ohio.

Section 4. All other resolution(s) or any part(s) thereof, which is(are) inconsistent with this resolution is(are) hereby repealed as to the inconsistent part(s) thereof, and the remainder of said resolution (s) not inconsistent with this resolution shall remain in full force and effect.

Section 5. Council declares this to be an emergency measure immediately necessary for the preservation of the public peace, health, and safety of this municipality and the further reason that the Village must resolve this litigation as soon as possible to avoid additional and unnecessary costs, expenses, and fees. Wherefore, this resolution shall take effect and shall be in force upon its passage.

Lynn Eisentrout, Mayor, Village of Minerva Park

First Reading: Waived February 14, 2011
Second Reading: Waived February 14, 2011
Third Reading: Waived February 14, 2011
Passed: February 14, 2011

Attest Suzanne Coulter, Clerk-Treasurer,
Village of Minerva Park

Reviewed by Counsel