



A RESOLUTION BY:

THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SETTLE THE CASE OF TERRENCE R. ARNOLD V. THE CITY OF ATLANTA AND JUDITH BLACKWELL, PENDING IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA 1:97-CV-3503 BY PAYMENT OF THE SUM OF \$220,000 AND BY ENTERING INTO A CONSENT ORDER ALLOWING REINSTATEMENT OR TERRENCE R. ARNOLD FOR THE LIMITED PURPOSE OF PENSION FUND REPAYMENT AND IMMEDIATE RETIREMENT; AND FOR OTHER PURPOSES.

WHEREAS, in 1996, Terrence R. Arnold, an employee of the Department of Finance, was terminated in circumstances which were disputed and appealed to the Civil Service Board which upheld the termination in 1997; and

WHEREAS, after the termination, Terrence R. Arnold did file suit in the United States District Court for the Northern District of Georgia in Case Number 1:97-CV-3503, styled as *Terrence R. Arnold v. the City of Atlanta and Judith Blackwell*, on certain claims arising under 42 U.S.C. § 1983; and

WHEREAS, the Equal Employment Opportunity Commission issued a finding which allowed claims arising under Title VII of the 1964 Civil Rights Act to also be alleged in the aforesaid lawsuit, which was amended to add such claims; and

WHEREAS, the causes of action alleged in the lawsuit arise under federal statutes which award statutorily determined damages to the prevailing plaintiff for back pay, make possible the award of other damages, and provide for the automatic award of attorneys fees and costs to the prevailing party; and

WHEREAS, after extended litigation which has included the appeal and reversal of an Order granting the City's motion for summary to the United States Eleventh Circuit Court of Appeals, the parties have agreed on a method of settlement which includes reinstatement of Terrence R. Arnold for the purpose of immediate retirement and a financial component which the City Attorney has advised will settle the case in a manner that protects the best interests of the City.

THE CITY COUNCIL OF THE CITY OF ATLANTA GEORGIA HEREBY RESOLVES:

SECTION 1: That the City Attorney may consent to the entry of an order in the United States District Court which will cause Terrence R. Arnold to be reinstated as an employee in the classified service of the City of Atlanta with credit for service at his former grade and step from the date of his termination to through and including the date of the passage of this resolution and that the



reinstatement be effective only for the purpose of effectuating Terrence R. Arnold's retirement from City employment with equal benefits to any City employee with similar grade, step and time of service;

SECTION 2: That the Commissioner of the Department of Personnel and Human Resources shall determine the length of service which Mr. Arnold would have acquired as of the effective date of this resolution, had his termination not occurred and that this time be credited toward his length of service for retirement consistent with the terms of the consent order;

SECTION 3: That the Chief Financial Officer shall determine the amount of pension contribution plus any interest which Terrence R. Arnold would have to repay to fully fund his required pension contribution for the length of service as determined by the Commissioner of the Department of Personnel in Section 2 of this resolution;

SECTION 4: That the Chief Financial Officer is authorized to pay to the General Employees Pension Fund the amount described in Section 3 of this resolution for credit to the pension contribution of Terrence R. Arnold as though his termination had never occurred and is further authorized to fund the City's portion of the pension contribution consistent with the time service calculated in Section 2 of this resolution;

SECTION 5: That the Chief Financial Officer is authorized to pay by joint check to Terrence R. Arnold and Harry W. MacDougald, Esq. as attorney for Terrence R. Arnold a sum which is to be calculated by subtracting the amount determined in Section 3 of this resolution from the sum of two hundred and twenty thousand dollars (\$220, 000) with said amount to be paid from FAC 1A01-529017-T31001 upon notice from the City Attorney that the necessary settlement agreement has been executed;

SECTION 6: That the City Attorney is authorized to enter into a settlement agreement with Terrence R. Arnold and Harry W. MacDougald, Esq. as attorney for Terrence R. Arnold, which settles and releases any and all claims and causes of actions against the City and Judith Blackwell arising from the termination of Terrence R. Arnold or accruing for any other reason regardless of whether such claims were alleged in the aforementioned lawsuit, provided that no funds are expended in excess of those already authorized herein and that the City incurs no obligations for further employment of Terrence R. Arnold other than for the purpose of effectuating his immediate retirement.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

MAY 21, 2001

MAY 30, 2001

RCS# 2904
5/21/01
10:44 PM

Atlanta City Council

Regular Session

01-R-0765

Settle Terrence R. Arnold v. City &
Judith Blackwell for \$220,000.00
ADOPT

YEAS: 9
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 2

| | | | |
|------------|-----------|-----------|-------------|
| NV McCarty | Y Dorsey | Y Moore | Y Thomas |
| B Starnes | E Woolard | Y Martin | Y Emmons |
| Y Bond | N Morris | Y Maddox | B Alexander |
| NV Winslow | Y Muller | Y Boazman | NV Pitts |

01-R-0765

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(Do Not Write Above This Line)

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APPROVED BY:

Richard Rubens Howell
City Attorney

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

ADOPTED BY
MAY 21 2001
COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair *C.F. Murtz*
Referred to _____

Committee *PSLA*
Date *5/15/01*
Chair *C.F. Murtz*
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members *[Signatures]*
Refer To _____

Committee _____
Date _____
Chair _____
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: _____
Members _____
Refer To _____

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Consent
- V Vote
- RC Vote

CERTIFIED

CERTIFIED
MAY 21 2001
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
[Signature]

DEPUTY MUNICIPAL CLERK
[Signature]

MAYOR'S ACTION

APPROVED

MAY 30 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW

Removed from consent
by L Moore