

**AN AMENDED ORDINANCE
BY FINANCE EXECUTIVE COMMITTEE**

**AN AMENDED ORDINANCE TO AMEND
PART TWO, SECTION 2-783 OF THE CODE OF
ORDINANCES OF THE CITY OF ATLANTA SO
AS TO INCREASE THE WAIVER OF
GOVERNMENTAL IMMUNITY FOR THE
SETTLEMENT OF CLAIMS ARISING FROM
THE OPERATION OF MOTOR VEHICLES
FROM \$2,000.00 TO \$25,000.00; TO MAKE SAID
AMENDMENT EFFECTIVE JANUARY 1, 2003;
TO REPEAL CONFLICTING ORDINANCES;
AND FOR OTHER PURPOSES.**

WHEREAS, municipalities in the State of Georgia enjoy immunity from liability for damages caused by operation of its governmental functions; and

WHEREAS, the Georgia Constitution provides for the waiver of immunity by a municipality under certain circumstances; and

WHEREAS, the City of Atlanta currently waives its governmental immunity for the settlement of motor vehicle collision claims in an amount not to exceed \$2,000.00 per accident; and

WHEREAS, although the City Council increased the City's waiver to \$2,000 in 2000, indications are that this amount is insufficient to compensate some victims of motor vehicle collisions with significant property damages or personal injuries; and

WHEREAS, the City Council wishes to make the City's exposure in such instances more commensurate with the limits of consumer insurance policies; and

WHEREAS, increasing the amount which can be offered for settlement may aid in decreasing the number of lawsuits filed against the City for vehicle damage; and

WHEREAS, Code Section 2-4 is being amended contemporaneously herewith to increase the waiver of governmental immunity from \$2,000.00 to \$25,000.00; and

WHEREAS, the amendment of Code Section 2-4 requires that Code Section 2-783 be amended to resolve any conflicts in the ordinances.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA,
GEORGIA, as follows:**

Section One: That Part Two, Chapter Two, Article VII, Division 1, Section 2-783, Sub-paragraph (b) of the Code of Ordinances which currently read as follows:

(b) *Immunity of city not waived.* Nothing in this section shall be construed to constitute any waiver by the city of the governmental immunity afforded it under the laws and constitution of the state, except as specifically set forth in this section. This section shall not apply to those claims or judgments for damages of \$2,000.00 or less which are authorized pursuant to section 2-4 of this Code and which constitutes a waiver of governmental immunity only up to such amount. Nothing in this section shall be construed in any way to reduce or eliminate the rights of any officer or employee against any other party.

Be amended by deleting the foregoing in its entirety, and inserting the following in lieu thereof:

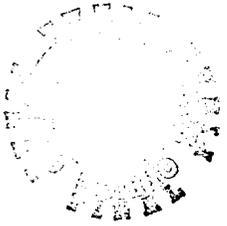
(b) *Immunity of city not waived.* Nothing in this section shall be construed to constitute any waiver by the city of the governmental immunity afforded it under the laws and constitution of the state, except as specifically set forth in this section. This section shall not apply to those claims or judgments for damages of **\$25,000.00** or less which are authorized pursuant to section 2-4 of this Code and which constitutes a waiver of governmental immunity only up to such amount. Nothing in this section shall be construed in any way to reduce or eliminate the rights of any officer or employee against any other party.

Section Two: That Part Two, Chapter Two, Article VII, Division 1, Section 2-783, Sub-paragraph (h)(3) of the Code of Ordinances which currently read as follows:

(h) *Payment of judgments or monetary settlements.* Where the city has undertaken to defend civil actions brought against officers or employees as provided by this section, the city may, in its sole discretion, by resolution duly adopted and approved, pay all or any part of final judgments awarded against officers or employees by courts of competent jurisdiction or any amount payable as a monetary settlement of any such civil action, subject to the limitations and exclusions which follow:

* * *

(3) No sum in excess of \$2,000.00 shall be paid pursuant to this section for damages on account of bodily injury, death or property damage arising from the ownership, maintenance, operation or use of any motor vehicle by the city under its management, control or supervision, as provided for in section 2-4. and with respect to proprietary functions.



Be amended by deleting the foregoing in its entirety, and inserting the following in lieu thereof:

(h) *Payment of judgments or monetary settlements.* Where the city has undertaken to defend civil actions brought against officers or employees as provided by this section, the city may, in its sole discretion, by resolution duly adopted and approved, pay all or any part of final judgments awarded against officers or employees by courts of competent jurisdiction or any amount payable as a monetary settlement of any such civil action, subject to the limitations and exclusions which follow:

* * *

(3) No sum in excess of **\$25,000.00** shall be paid pursuant to this section for damages on account of bodily injury, death or property damage arising from the ownership, maintenance, operation or use of any motor vehicle by the city under its management, control or supervision, as provided for in section 2-4.

Section Three: This ordinance shall not become effective until January 1, 2003.

Section Four: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

A true copy,

A handwritten signature in black ink, appearing to read "J. S. [unclear]".

Deputy Clerk

**ADOPTED as amended by the Council
APPROVED by the Mayor**

FEB 18, 2002
MAR 05, 2002

RCS# 3454
2/18/02
2:41 PM

Atlanta City Council

Regular Session

CONSENT I

02-0-0259
02-0-0260
ADOPT AS AMEND

YEAS: 14
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

CORRECTED COPY

CONSENT I

02-0-0259

(Do Not Write Above This Line)

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FEB 18 2002

ADOPTED BY COUNCIL

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

Date Referred 2/4/02

Referred To: Finance/Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee FIN EXEC
Date 2-13-02
Chair John H. Moore
Action: As amended
Fav, Adv, Hold (see rev. side)
Members Ray M. Starns
Alley D. Woodard
Clayton D. Miller
Refer To _____

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

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

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

FINAL COUNCIL ACTION
 2nd
 1st & 2nd Readings
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED

FEB 18 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard

CERTIFIED

FEB 18 2002

MUNICIPAL CLERK

Rachel Douglas Johnson

MAYOR'S ACTION

Stepley

MAR 13 2002