

CITY COUNCIL  
ATLANTA, GEORGIA

A RESOLUTION

02-R-0203

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$2,436.86 IN SETTLEMENT OF THE CLAIM  
OF MORRIS SMITH, THROUGH HIS ATTORNEY,  
COLETTE R. STEEL AGAINST THE CITY OF ATLANTA**

**WHEREAS, MORRIS SMITH, THROUGH HIS ATTORNEY, COLETTE R. STEEL** has filed a claim against the City of Atlanta seeking damages arising out of personal property damages sustained when his weapons were destroyed without prior notice; and

**WHEREAS,** on March 4, 1999 the claimant was arrested, and his weapons were confiscated. Following the of the arrest, the claimant was indicted on those charges by a Fulton County Grand Jury. On or about February 20, 2001 the claimant's case was placed on the dead docket; and

**WHEREAS,** the City has a duty to maintain control of evidence until criminal cases are adjudicated; and

**WHEREAS,** the failure to maintain evidence prior to adjudication of the criminal case, and failure to notify the claimant of the release prior to the same being destroyed is not subject to a defense of sovereign immunity under the laws of the State of Georgia; and

**WHEREAS,** the claimant has asserted damages in the amount of \$2,436.86 and has agreed to accept this sum in full and complete satisfaction and settlement of her claim against the City of Atlanta; and

**WHEREAS,** the City Attorney has recommended that the claim of **MORRIS SMITH, THROUGH HIS ATTORNEY, COLETTE STEEL** be settled for the sum of \$2,436.86.

**THEREFORE, BE IT RESOLVED** that the Council of the City of Atlanta, Georgia that \$2,436.86 be paid by the City of Atlanta in satisfaction of any and all claims **MORRIS SMITH, THROUGH HIS ATTORNEY, COLETTE R. STEEL** may have stemming from the loss of property sustained by him on or about September 18, 1999 at Police Property Unit, City Hall East, 640 North Avenue, Atlanta, Georgia 30308.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and hereby authorized to pay the above-mentioned sum from account number 1A01/529017/T31001.

A true copy,

*Phonla Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

MAR 04, 2002  
MAR 12, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0529

Date: 01/18/02

Claimant /Victim MORRIS SMITH
(Atty) (Ins. Co.) Colette Resnik Steel
Address: The Steel Law Firm, P.C. 1800 Peachtree Street., NW Suite 300 Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ 2,436.86 Bodily Injury \$
Date of Notice: 8/20/01 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 3/4/99 - Present Place: 903 Peachtree Street
Department Police Division Property Unit
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant sustained damages to his property when a City of Atlanta Police Officer confiscated his weapons during an arrest. When the claimant's case was placed on the dead docket he went to Police Property to retrieve his weapons but was informed that they had been destroyed. However, an investigation determined that the weapons should have been retained as evidence until the case was adjudicated. Furthermore, the claimant had not been notified that his weapons would be destroyed.

INVESTIGATION:

Statements: City employee Claimant X Others X Written X Oral X
Pictures Diagrams Reports: Police X Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,

Alexis Holmes
INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ 2,436.86 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager: Concur/date 02-01-02
Committee Action: Council Action

RCS# 3550  
3/04/02  
1:31 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs.1-12;Except02-R-0348;02-R-0350;0380  
02-R-0387;02-R-0347;02-O-0364;02-O-0249

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

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	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
02-O-0364  
02-O-0380  
02-O-0249

CONSENT I

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

1. 02-O-0370
2. 02-O-0155
3. 02-O-0200
4. 02-O-0243
5. 02-O-0374
6. 02-O-0371
7. 02-O-0372
8. 02-R-0348
9. 02-R-0350
10. 02-R-0387
11. 02-R-0199
12. 02-R-0209
13. 02-R-0353
14. 02-R-0367
15. 02-R-0383
16. 02-R-0386
17. 02-R-0327
18. 02-R-0328
19. 02-R-0329
20. 02-R-0330
21. 02-R-0331
22. 02-R-0333
23. 02-R-0334
24. 02-R-0339
25. 02-R-0325
26. 02-R-0326
27. 02-R-0345

**ITEMS ADOPTED  
ON CONSENT  
AGENDA**

28. 02-R-0203
29. 02-R-0365
30. 02-R-0315
31. 02-R-0316
32. 02-R-0317
33. 02-R-0318
34. 02-R-0319
35. 02-R-0320
36. 02-R-0321
37. 02-R-0322
38. 02-R-0323
39. 02-R-0284
40. 02-R-0285
41. 02-R-0286
42. 02-R-0287

**ITEMS ADVERSED  
ON CONSENT  
AGENDA**

43. 02-R-0288
44. 02-R-0289
45. 02-R-0290
46. 02-R-0291
47. 02-R-0292
48. 02-R-0293
49. 02-R-0294
50. 02-R-0295
51. 02-R-0296
52. 02-R-0297
53. 02-R-0298
54. 02-R-0299
55. 02-R-0301
56. 02-R-0302
57. 02-R-0303
58. 02-R-0304
59. 02-R-0305
60. 02-R-0306
61. 02-R-0307
62. 02-R-0308
63. 02-R-0309
64. 02-R-0310
65. 02-R-0311
66. 02-R-0312
67. 02-R-0313
68. 02-R-0314

02-R-0203

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING PAYMENT IN THE AMOUNT OF \$2,436.86 IN SETTLEMENT OF THE CLAIM OF MORRIS SMITH THROUGH HIS ATTORNEY COLETTE R. STEEL AGAINST THE CITY OF ATLANTA AND FOR OTHER PURPOSES

APPROVED BY:

[Signature] ROBERT N. GODFREY ADOPTED BY DEPUTY CITY ATTORNEY MAR 04 2002

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Date Chair Referred 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 3rd
Consent V Vote RC Vote

CERTIFIED

CERTIFIED MAR 04 2002 ATLANTA CITY COUNCIL PRESIDENT Catherine W. Williams

CERTIFIED MAR 04 2002 [Signature] MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED [Signature] MAR 12 2002 MAYOR