

A RESOLUTION  
BY



02-R -0558

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO PURSUE LEGAL ACTION AGAINST GEORGE BIVENS, EDDIE LEE DUNCAN AND OTHER UNKNOWN PERSONS RESPONSIBLE FOR AND RELATED TO THE FRAUDULENT TAKING OF MONIES RIGHTFULLY AND LEGALLY BELONGING TO THE CITY OF ATLANTA FROM ITS PARKING METERS; AUTHORIZING THE CITY ATTORNEY TO TAKE ALL NECESSARY AND REASONABLE ACTION IN ORDER TO DILIGENTLY PURSUE LEGAL ACTION AGAINST PERSONS RESPONSIBLE FOR THE FRAUDULENT TAKING OF MONIES BELONGING TO THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

WHEREAS, George Bivins and Eddie Lee Duncan are former employees of the City of Atlanta, Department of Public Works, Division of Traffic and Transportation. In their employment, each was responsible for duties associated with collecting money from the numerous parking meters in the city on behalf of the City and in accordance with the City's policies and procedures.

WHEREAS, George Bivins, Eddie Lee Duncan and certain unknown persons are responsible for fraudulently taking unknown sums of money for their personal use over an unknown period of years from the City's parking meters.

WHEREAS, George Bivins and Eddie Lee Duncan pled guilty, in the Superior Court of Fulton County on March 11, 2002, to charges of theft by taking of City monies from various parking meters around the City. Further, as a part of that plea, the criminal defendants were ordered to serve ten years probation and to pay restitution of \$10,000 each over a period of five years.

WHEREAS, the City Attorney and the Commissioner of the Department of Public Works have conducted a preliminary investigation of the facts associated with this matter and determined that conservative estimates of money taken by the named parties involve a sum substantially more than the amount of restitution ordered in the referenced criminal matter.

WHEREAS, in light of the convictions mentioned above, it has been further determined that a civil action against the named and unknown responsible persons is warranted; and that the possibility of recovering additional sums entitled to the City from the named and unknown responsible persons is great.



WHEREAS, it is the recommendation of the Interim City Attorney that the Interim City Attorney be authorized, by and through the approval of the City Council and the Mayor, to take all necessary and reasonable action to diligently pursue legal action against all persons responsible for and related to the fraudulent taking of monies rightfully and legally belonging to the City of Atlanta from its parking meters.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

**SECTION 1.** The Interim City Attorney is authorized to pursue a civil action against George Bivins, Eddie Lee Duncan and all other persons responsible for and related to the fraudulent taking of monies rightfully and legally belonging to the City of Atlanta from its parking meters.

**SECTION 2.** Expenses incurred as a result of the ensuing litigation against the named parties will be paid from FAC No. 1A01 529017 T31001, in an amount not to exceed \$25,000.

**SECTION 3.** That the Interim City Attorney shall provide the Mayor and City Council with quarterly updates on the status of the litigation.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

APR 01, 2002  
APR 05, 2002

RCS# 3635  
4/01/02  
2:42 PM

Atlanta City Council

Regular Session

CONSENT I

Except; 02-R-0531; 02-R-0499; R-0497; R-0561  
02-R-0498; 02-R-0588; 02-R-0589; 02-R-0513

ADOPT

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

SEE ATTACHED LISTING OF ITEMS  
ADOPTED/ADVERSED ON  
CONSENT AGENDA

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

ITEM (S) REMOVED FROM  
CONSENT AGENDA

02-R-0497  
02-R-0498  
02-R-0499  
02-R-0513  
02-R-0531  
02-R-0561  
02-R-0589

**CORRECTED COPY**

CONSENT I

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**04/01/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS ADOPTED ON  
CONSENT AGENDA**

**ITEMS  
ADVERSED  
ON CONSENT  
AGENDA**

1. 02-O-0562
2. 02-O-0564
3. 02-O-0566
4. 02-O-0568
5. 02-O-0582
6. 02-O-0389
7. 02-O-0392
8. 02-O-0390
9. 02-O-0458
10. 02-O-0394
11. 02-O-0397
12. 02-O-0399
13. 02-O-0400
14. 02-O-0401
15. 02-O-0402
16. 02-O-0403
17. 02-O-0404
18. 02-O-0405
19. 02-O-0408
20. 02-R-0464
21. 02-R-0494
22. 02-R-0495
23. 02-R-0496
24. 02-R-0500
25. 02-R-0560
26. 02-R-0569
27. 02-R-0570
28. 02-R-0571
29. 02-R-0572
30. 02-R-0573
31. 02-R-0574
32. 02-R-0595
33. 02-R-0596

34. 02-R-0486
35. 02-R-0511
36. 02-R-0587
37. 02-R-0492
38. 02-R-0493
39. 02-R-0557
40. 02-R-0521
41. 02-R-0522
42. 02-R-0523
43. 02-R-0524
44. 02-R-0525
45. 02-R-0526
46. 02-R-0527
47. 02-R-0528
48. 02-R-0529
49. 02-R-0530
50. 02-R-0567
51. 02-R-0588
52. 02-R-0518
53. 02-R-0556
54. 02-R-0558
55. 02-R-0585
56. 02-R-0586
57. 02-R-0349
58. 02-R-0506
59. 02-R-0532
60. 02-R-0533
61. 02-R-0534
62. 02-R-0535

63. 02-R-0514
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  85. 02-R-0554
  86. 02-R-0555
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02-R-0558

(Do Not Write Above This Line)

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ADOPTED BY

- CONSENT REFER
- REGULAR REPORT REFER APR 01 2002
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER COUNCIL

Date Referred

3/18/02

Referred To:

Public Safety & Legal Affairs

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee

PLSA

Date

3-26-02

Chair

*[Signature]*

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

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
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

APR 1 2002

*[Signature]*

CERTIFIED

APR 01 2002

*[Signature]*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
*[Signature]*

APR 05 2002

MAYOR