



CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

02-R-0658

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF NIKKI
MCGEE IN THE AMOUNT OF \$3,328.28
AGAINST THE CITY OF ATLANTA**

WHEREAS, NIKKI MCGEE, has filed a claim against the City of Atlanta seeking damages to her vehicle; and

WHEREAS, the damage to NIKKI MCGEE'S vehicle occurred when the driver of a Solid Waste Services' vehicle made an improper lane change and collided with her vehicle; and

WHEREAS, Solid Waste Services, a division of the Department of Public Works, performs ministerial functions, therefore, this claim 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 \$3,391.00 and has agreed to accept the sum of \$3,328.28 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 NIKKI MCGEE, be settled for the sum of \$3,328.28.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$3,328.28 be paid by the City of Atlanta to NIKKI MCGEE, in satisfaction of any and all claims she may have stemming from damages sustained to her vehicle on or about February 3, 2002, at Marietta Street & Forsyth Street, and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2P01/52****/M3****.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 06, 2002
MAY 14, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0165

Date: March 26, 2002

Claimant /Victim NIKKI MCGEE
BY: (Atty) (Ins. Co.)
Address: 601 Summercourt Drive, Jonesboro, Georgia 30236
Subrogation: Claim for Property damage \$ 3,391.00 Bodily Injury \$
Date of Notice: 2/14/02 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 2/3/02 Place: Marietta Street & Forsyth Street
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Gregory Davis Disciplinary Action: Pending Review

NATURE OF CLAIM: Claimant's vehicle sustained damage when it was struck by a city vehicle that made an "improper lane change". The City employee was cited for same.

INVESTIGATION:

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

BASIS OF RECOMMENDATION:

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

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 3,328.28 Adverse Account charged: 1A01 2J01 2P01 X 2H01
Claims Manager: Concur/date 03-27-02
Committee Action: Council Action

RCS# 3723
5/06/02
4:03 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14: Except 02-R-0507; 02-O-0668
02-R-0701; 02-O-0594; 02-O-0675; 0584
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	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

**ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0701
02-O-0584
02-O-0594
02-O-0675
02-O-0668**

CONSENT I

05/06/02 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA

ITEMS ADOPTED ON CONSENT AGENDA

ITEMS ADVERSE ON CONSENT AGENDA

1. 02-O-0666
2. 02-O-0678
3. 02-O-0681
4. 02-O-0684
5. 02-O-0487
6. 02-O-0491
7. 02-O-0686
8. 02-O-0687
9. 02-O-0688
10. 02-O-0086
11. 02-O-0672
12. 02-O-0689
13. 02-O-0563
14. 02-O-0673
15. 02-O-0674
16. 02-R-0512
17. 02-R-0680
18. 02-R-0598
19. 02-R-0697
20. 02-R-0600
21. 02-R-0658
22. 02-R-0702
23. 02-R-0480
24. 02-R-0507
25. 02-R-0501
26. 02-R-0604
27. 02-R-0704
28. 02-R-0607
29. 02-R-0608
30. 02-R-0609
31. 02-R-0610
32. 02-R-0611
33. 02-R-0612

34. 02-R-0613
35. 02-R-0614
36. 02-R-0615
37. 02-R-0616
38. 02-R-0617
39. 02-R-0618
40. 02-R-0619
41. 02-R-0620
42. 02-R-0621
43. 02-R-0622
44. 02-R-0623
45. 02-R-0624
46. 02-R-0700

47. 02-R-0625
 48. 02-R-0626
 49. 02-R-0627
 50. 02-R-0628
 51. 02-R-0629
 52. 02-R-0630
 53. 02-R-0631
 54. 02-R-0632
 55. 02-R-0633
 56. 02-R-0634
 57. 02-R-0635
 58. 02-R-0636
 59. 02-R-0637
 60. 02-R-0638
 61. 02-R-0639
 62. 02-R-0640
 63. 02-R-0641
 64. 02-R-0642
 65. 02-R-0643
 66. 02-R-0644
 67. 02-R-0645
 68. 02-R-0646
 69. 02-R-0647
 70. 02-R-0648
 71. 02-R-0649
 72. 02-R-0650
 73. 02-R-0651
 74. 02-R-0652
 75. 02-R-0653
 76. 02-R-0654
 77. 02-R-0655
 78. 02-R-0656
 79. 02-R-0657
-

02-R-0658

(Do Not Write Above This Line)

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF THE CLAIM OF NIKKIMCGEE IN THE AMOUNT OF \$3,328.28 AGAINST THE CITY OF ATLANTA

By: Robert N. Godfrey Deputy City Attorney

ADOPTED BY

MAY 06 2002

- CONSENT REFER
REGULAR REPORT REFER COUNCIL
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
3rd
Readings
Consent
V Vote
RC Vote

CERTIFIED

CERTIFIED
MAY 06 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard

CERTIFIED
MAY 06 2002

Randy Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

MAYOR
MAY 14 2002