Entered - 03/20/02 - sb
CL02l0223 - DIANNE C. MITCHELL

CLAIM OF: **TIA TOOMBS**
P. O. Box 895
Atlanta, Georgia 30301

02-R-1418

For damages alleged to have been sustained as a result of property damage during the execution of a search warrant on January 25, 2002 at 251 Anderson Avenue, Apt. C-2.

CERTIFIED
SEP 03 2002
ATLANTA CITY COUNCIL PRESIDENT

THIS ADVERSED REPORT IS APPROVED

BY: _____
ROBERT N. GODFREY
DEPUTY CITY ATTORNEY

CERTIFIED
SEP 03 2002
MUNICIPAL CLERK

ADV CITY COUNCIL SEP 03 2002

ADVERSE REPORT

COMM: Public Safety
DATE: 8/27/02
CHAIR:

OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

September 10, 2002

Tia Toombs
P. O. Box 895
Atlanta, GA 30301

02-R-1418

Dear Ms. Toombs:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on September 3, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **02L0223** Date: August 1, 2002

Claimant /Victim **TIA TOOMBS**
BY: (Atty)(Ins. Co.)
Address: P. O. Box 895, Atlanta, Georgia 30301
Subrogation: _____ Claim for Property damage $ **5,000.00** Bodily Injury $ _____
Date of Notice: _____ Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 01/25/02 Place: 251 Anderson Avenue, Apt. C-2
Department **Police** Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that her property was damaged during the execution of a search warrant. An investigation conducted by the Office of Professional Standards determined that the officers did not violate any departmental rules or regulations when they executed the search warrant. Furthermore, the City is immune from liability as set forth in O.C.G.A §36-33-1 and §36-33-3.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ 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 _____ Joint _____ Claim Abandoned _____

Respectfully submitted,

INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay $ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager: _____ Concur/date 08-02-02
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 3953
9/03/02
1:47 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-1137; 02-R-1458

ADOPT

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

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

CONSENT I

09/03/02 Council Meeting

ITEMS ADOPTED ON CONSENT AGENDA		ITEMS ADVERSED ON CONSENT AGENDA
1. 02-O-1455	43. 02-R-1492	59. 02-R-1418
2. 02-O-1456	44. 02-R-1347	60. 02-R-1419
3. 02-O-1457	45. 02-R-1461	61. 02-R-1420
4. 02-O-1460	46. 02-R-1462	62. 02-R-1421
5. 02-O-1454	47. 02-R-1471	63. 02-R-1422
6. 02-O-1336	48. 02-R-1484	64. 02-R-1423
7. 02-O-1337	49. 02-R-1486	65. 02-R-1424
8. 02-O-1339	50. 02-R-1363	66. 02-R-1425
9. 02-O-1340	51. 02-R-1364	67. 02-R-1426
10. 02-O-1341	52. 02-R-1365	68. 02-R-1427
11. 02-O-1342	53. 02-R-1412	69. 02-R-1428
12. 02-O-1343	54. 02-R-1413	70. 02-R-1429
13. 02-O-1226	55. 02-R-1414	71. 02-R-1430
14. 02-O-1446	56. 02-R-1415	72. 02-R-1431
15. 02-O-1465	57. 02-R-1416	73. 02-R-1432
16. 02-R-1370	58. 02-R-1417	74. 02-R-1433
17. 02-R-1371		75. 02-R-1434
18. 02-R-1372		76. 02-R-1435
19. 02-R-1373		77. 02-R-1436
20. 02-R-1374		78. 02-R-1437
21. 02-R-1375		79. 02-R-1438
22. 02-R-1376		
23. 02-R-1378		
24. 02-R-1379		
25. 02-R-1380		
26. 02-R-1392		
27. 02-R-1468		
28. 02-R-1480		
29. 02-R-1481		
30. 02-R-1482		
31. 02-R-1483		
32. 02-R-1385		
33. 02-R-1479		
34. 02-R-1369		
35. 02-R-1439		
36. 02-R-1440		
37. 02-R-1495		
38. 02-R-1500		
39. 02-R-1501		
40. 02-R-1386		
41. 02-R-1388		
42. 02-R-1491		

1st Consent I Vote: 14Yeas; 0 Nays (See RCS #3953)
Items Removed from Consent: 02-R-1137; 02-R-1458