

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

02-*R*-2113

A RESOLUTION AUTHORIZING AN OFFER OF JUDGMENT ON ALL CLAIMS OF LIZ SUMMERS AGAINST THE CITY OF ATLANTA AND WINSTON MINOR IN THE CASE OF LIZ SUMMERS V. CITY OF ATLANTA AND WINSTON MINOR, CIVIL ACTION NUMBER: 1:01-CV-0522-GGB, FILED IN THE UNITED STATES DISTRICT COURT; TO ALLOW JUDGMENT TO BE TAKEN AGAINST DEFENDANTS BY LIZ SUMMERS FOR A SECTION CHIEF POSITION, HER BACK PAY, AND PENSION IN AN AMOUNT NOT TO EXCEED \$8,000.00; AND FOR OTHER PURPOSES.

WHEREAS, on February 23, 2001, Plaintiff Liz Summers initiated the case of Liz Summers v. City of Atlanta, et al., for violation of Liz Summers' rights under 42 U.S.C. Section 1983, the Fourteenth Amendment to the U.S. Constitution, and Title VII of the Civil Rights Act of 1964; and

WHEREAS, Summers began employment with the City of Atlanta Fire Department on or about December 26, 1977; and

WHEREAS, Summers was promoted to the rank of Lieutenant in 1993; and

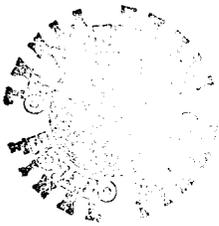
WHEREAS, Summers was unable to pass the Captain's exam in 1995, and has not taken the test since 1995; and

WHEREAS, a number of appointment positions were announced on June 24, 1999; and

WHEREAS, Summers applied for three (3) of the nine positions announced: Section Chief of Investigations, Section Chief of Inspections, and Section Chief of Training; and

WHEREAS, Summers was selected to be interviewed by Chief Minor for the Section Chief of Investigations and Section Chief of Inspections positions; and

WHEREAS, Summers was not selected for either position; and



WHEREAS, Summers filed an EEOC charge on April 18, 2000; and

WHEREAS, the EEOC found the reasons given for denying Summers the appointments were pretextual; and

WHEREAS, Summers filed this lawsuit seeking a Section Chief position, back pay, Defendants' motion for summary judgment; and

WHEREAS, as a result of the Order, the legal issue to be determined at trial is whether Chief Minor denied her an appointment because of her gender; and

WHEREAS, Plaintiff has refused a settlement offer; and

WHEREAS, the City Attorney has determined that an offer of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure should be made covering all claims in this matter for a Section Chief position, back pay and pension in an amount not to exceed \$8,000.00, not including attorney's fees and costs, which will be determined by the court; and

WHEREAS, this offer of judgment is contingent upon approval of the Atlanta City Council and the Mayor; and

WHEREAS, by the offer of judgment, Defendants admit no liability; and

WHEREAS, the offer of judgment is acceptable to Plaintiff Summers is, in the opinion of the City Attorney, appropriate to settle all claims against Defendants arising out of the case of Liz Summers v. City of Atlanta, et. al.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES that the City Attorney be and hereby authorized to conclude through the offer of judgment, settlement of all claims against the City of Atlanta and Chief Minor, exclusive of fees and costs arising out of the lawsuit filed by Liz Summers in the United States District Court, as set forth



in Civil Action Number: 1:01-CV-0522-GGB.

THE CITY COUNCIL FURTHER RESOLVES that the Chief Financial Officer is authorized to pay the total of \$8,000.00 at the direction of the City Attorney from the account of 1A015290017T31001. Payment shall be in the form of a check in the amount of \$8,000.00, payable to Plaintiff Liz Summers. Such a payment will be in full consideration of the dismissal of all claims against the Defendants City of Atlanta and Chief Winston Minor, exclusive of fees and costs.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

DEC 02, 2002
DEC 10, 2002

12/02/02 Council Meeting

ITEMS ADOPTED ON CONSENT

AGENDA

- | | | |
|---------------|---------------|---------------|
| 1. 02-O-1925 | 31. 02-O-1920 | 62. 02-R-2104 |
| 2. 02-O-1926 | 32. 02-O-1921 | 63. 02-R-2112 |
| 3. 02-O-1927 | 33. 02-O-2001 | 64. 02-R-2113 |
| 4. 02-O-1928 | 34. 02-O-2097 | 65. 02-R-2115 |
| 5. 02-O-1929 | 35. 02-O-2098 | 66. 02-R-2116 |
| 6. 02-O-1969 | 36. 02-O-2099 | 67. 02-R-2117 |
| 7. 02-O-1976 | 37. 02-O-2100 | 68. 02-R-2125 |
| 8. 02-O-2095 | 38. 02-R-1593 | 69. 02-R-2126 |
| 9. 02-O-1998 | 39. 02-R-1848 | 70. 02-R-2016 |
| 10. 02-O-1892 | 40. 02-R-1849 | 71. 02-R-2017 |
| 11. 02-O-1903 | 41. 02-R-1850 | 72. 02-R-2018 |
| 12. 02-O-1907 | 42. 02-R-1985 | 73. 02-R-2019 |
| 13. 02-O-1139 | 43. 02-R-2003 | 74. 02-R-2022 |
| 14. 02-O-1292 | 44. 02-R-2004 | 75. 02-R-2060 |
| 15. 02-O-1913 | 45. 02-R-2009 | 76. 02-R-2061 |
| 16. 02-O-1930 | 46. 02-R-2010 | 77. 02-R-2062 |
| 17. 02-O-2103 | 47. 02-R-2011 | 78. 02-R-2069 |
| 18. 02-O-1922 | 48. 02-R-2012 | 79. 02-R-2072 |
| 19. 02-O-1923 | 49. 02-R-2013 | 80. 02-R-2074 |
| 20. 02-O-2091 | 50. 02-R-2014 | 81. 02-R-2122 |
| 21. 02-O-2092 | 51. 02-R-2057 | 82. 02-R-2023 |
| 22. 02-O-2105 | 52. 02-R-2058 | 83. 02-R-2064 |
| 23. 02-O-1396 | 53. 02-R-2073 | 84. 02-R-2065 |
| 24. 02-O-1792 | 54. 02-R-2015 | 85. 02-R-2066 |
| 25. 02-O-1914 | 55. 02-R-2059 | 86. 02-R-2070 |
| 26. 02-O-1915 | 56. 02-R-1216 | 87. 02-R-2028 |
| 27. 02-O-1916 | 57. 02-R-2119 | 88. 02-R-2029 |
| 28. 02-O-1917 | 58. 02-R-2123 | 89. 02-R-2030 |
| 29. 02-O-1918 | 59. 02-R-2055 | 90. 02-R-2031 |
| 30. 02-O-1919 | 60. 02-R-2063 | 91. 02-R-2032 |
| | | 92. 02-R-2033 |
| | | 93. 02-R-2034 |
| | | 94. 02-R-2035 |
| | | 95. 02-R-2036 |
| | | 96. 02-R-2037 |

ITEMS ADVERSED ON CONSENT

AGENDA

- | | |
|----------------|----------------|
| 97. 02-R-2027 | 107. 02-R-2047 |
| 98. 02-R-2038 | 108. 02-R-2048 |
| 99. 02-R-2039 | 109. 02-R-2049 |
| 100. 02-R-2040 | 110. 02-R-2050 |
| 101. 02-R-2041 | 111. 02-R-2051 |
| 102. 02-R-2042 | 112. 02-R-2052 |
| 103. 02-R-2043 | 113. 02-R-2053 |
| 104. 02-R-2044 | 114. 02-R-2054 |
| 105. 02-R-2045 | |
| 106. 02-R-2046 | |

Consent I Vote: 9 Yeas; 0 Nays (See RCS #4251)

Items Removed from the Consent Agenda: 02-O-2096; 02-R-2094; 02-R-2114; 02-R-2118

(Do Not Write Over 2113)

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APPROVED BY:

Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

COUNCIL

- 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 _____

PLA Committee

Date 11/26/02
 Chair *[Signature]*
 Action Fav, Adv, Hold (see rev. side)
 Other _____

Members [Signature]
[Signature]

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
 - Consent
 - V Vote
 - RC Vote

CERTIFIED

DEC 02 2002

CERTIFIED

DEC 02 2002

Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
[Signature]
 DEC 10 2002