

**A RESOLUTION
BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS RESULTING FROM THE CASE OF *JIMMY SCOTT BAGLEY v. J. G. WINGO, BEVERLY HARVARD, CITY OF ATLANTA, GEORGIA, ET. AL.*, PENDING IN THE U.S.D.C. CIVIL ACTION FILE NO. 1:96-CV-0151-CAM, IN THE AMOUNT OF \$66,750.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES. 03-R -0284

WHEREAS, *Jimmy Scott Bagley v. J. G. Wingo, Beverly Harvard, City of Atlanta, et al*, pending in the United States District Court for the Northern District of Georgia, Atlanta Division, Civil Action File No. 1:96-CV-0151-CAM, arises from arrests effected on May 15, 1994 at the Midtown Music Festival; and

WHEREAS, the Plaintiff alleges that his constitutional rights were violated during the course of said arrests; and

WHEREAS, the Plaintiff and his counsel have agreed to accept \$66,750 in settlement of all claims against the City of Atlanta, its officers and employees;

WHEREAS, the City Attorney and outside counsel hired by the City Attorney, have done an extensive review of the facts and law, and have determined that the City's potential financial exposure is far in excess of the settlement amount; and

WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$66,750.00 to settle all claims,

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES the City Attorney is hereby authorized to settle the case of *Jimmy Scott Bagley v. J. G. Wingo, Beverly Harvard, City of Atlanta, et al*, for a sum not to exceed sixty-six thousand seven hundred and fifty dollars (\$66,750).

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to pay a sum not to exceed \$66,750 to Jimmy Scott Bagley and his attorney in this case, Richard A. Gordon, from Fund Account Center No. 1A101-529017-T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAR 03, 2003
MAR 11, 2003

RCS# 4504
3/03/03
2:24 PM

Atlanta City Council

Regular Session

CONSENT 1

Pgs. 1-11: Except 03-R-0321;

Adopt

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

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

CONSENT 1

3/03/03 FULL COUNCIL MEETING

**Items Adopted on the
Consent Agenda**

1. 03-O-0154
2. 03-O-0155
3. 03-O-0156
4. 03-O-0157
5. 03-O-0158
6. 03-O-0159
7. 03-O-0227
8. 03-O-0230
9. 03-O-0231
10. 03-O-0278
11. 03-R-0232
12. 03-R-0285
13. 03-R-0216
14. 03-R-0222
15. 03-R-0309
16. 03-R-0226
17. 03-R-0283
18. 03-R-0284
19. 03-R-0324
20. 03-R-0237
21. 03-R-0238
22. 03-R-0239
23. 03-R-0240
24. 03-R-0241
25. 03-R-0242
26. 03-R-0243
27. 03-R-0245
28. 03-R-0279
29. 03-R-0280
30. 03-R-0281
31. 03-R-0282

**Items Adversed on the Consent
Agenda**

32. 03-R-0244
33. 03-R-0246
34. 03-R-0247
35. 03-R-0248
36. 03-R-0249
- 36.03-R-0250
- 37.03-R-0251
- 38.03-R-0252
39. 03-R-0253
40. 03-R-0254
41. 03-R-0255
42. 03-R-0256
43. 03-R-0257
44. 03-R-0258
45. 03-R-0259
46. 03-R-0260
47. 03-R-0261
48. 03-R-0262
49. 03-R-0263
50. 03-R-0264
51. 03-R-0265
52. 03-R-0266
53. 03-R-0267
54. 03-R-0268
55. 03-R-0269
56. 03-R-0270
57. 03-R-0271
58. 03-R-0272
59. 03-R-0273
60. 03-R-0274
61. 03-R-0275
62. 03-R-0276
63. 03-R-0277

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4504)
Item Removed from the Consent Agenda: 03-R-0321

(Do Not Remove)

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APPROVED:

Ronnie R. Russell
Deputy
Linda K. DiSantis, City Attorney

- 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: _____

Committee _____

Date _____

Chair _____

Referred To _____

First Reading

PS Committee

Date *2/25/03*

Chair _____

Action Fav, Adv, Hold (see rev. side)

Other _____

Members

Henry Williams

Robert Williams

Refer To *C. J. Martin*

[Signature]

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

ADOPTED BY

MAR 03 2003

COUNCIL

Refer To _____

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

CERTIFIED

MAR 03 2003

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Hubbard

CERTIFIED

MAR 03 2003

Rae Dunlap Adams
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

[Signature]

MAYOR