Entered - 10/03/03 - sb
CL03L0803 - DIANNE C. MITCHELL

03- R-2198

CERTIFIED
ATLANTA CITY COUNCIL PRESIDENT
JAN 05 2004

CLAIM OF: **JAMES M. MCGRATH,**
through his attorney,
Pamela Johnson
581 Simpson Street, NW
Atlanta, Georgia 30314-3839

For damages alleged to have been sustained as a result of not receiving his salary increment in July, 2003 pursuant to City Ordinance 03-O-0107.

THIS ADVERSED REPORT IS APPROVED

CERTIFIED
MUNICIPAL CLERK
JAN 05 2004

BY: _____
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED
JAN 05 2004

ADVERSE REPORT
PUBLIC SAFTEY &
LEGAL ADMINISTRATION COMMITTEE
DATE: 12/9/03
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

January 14, 2004

Pamela Johnson
Attorney at Law
581 Simpson Street, NW
Atlanta, GA 30314

03-R-2198

RE: James M. McGrath

Dear Attorney Johnson:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her 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 client's claim at its regular meeting on January 05, 2004. 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.**

Yours very truly,

Rhonda Dauphin Johnson

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. **02L0803** Date: November 25, 2003

Claimant /Victim **JAMES M. MCGRATH**
BY: (Atty) Pamela Johnson
Address: 581 Simpson Street, NW, Atlanta, Georgia 30314-3839
Subrogation: _____ Claim for Property damage $ **Not Stated** Bodily Injury $ _____
Date of Notice: 10/03/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/03 Place: 55 Trinity Avenue
Department **Finance** Division: _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he has been damaged as a result of not receiving his salary increment in a timely manner pursuant to City Ordinance 03-O-0107. The investigation determined that the claimant was promoted on April 22, 2003 with more than two steps increase which changed his increment control date to April 22. The claimant's increment will be effective on the first pay period after April 22, 2004, if salary increments are in effect at that time.

INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ 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 11/25/03
Committee Action: _____ Council Action _____

FORM 23-61

RCS# 5288
1/05/04
3:23 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 1-9 EXCEPT;02-O-2087,
03-R-2173
ADOPT

YEAS:	10
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	6
EXCUSED:	0
ABSENT	0

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

CONSENT I

	1-05-04 Council Meeting
ITEMS ADOPTED ON CONSENT	**ITEMS ADVERSED ON CONSENT**
1. 03-O-2225	**32.** 03-R-2192
2. 03-O-2161	33. 03-R-2193
3. 03-O-2221	34. 03-R-2194
4. 03-O-2175	35. 03-R-2195
5. 03-O-2229	36. 03-R-2196
6. 03-R-2171	37. 03-R-2197
7. 03-R-2214	38. 03-R-2198
8. 03-R-2215	39. 03-R-2199
9. 03-R-2233	40. 03-R-2200
10. 03-R-2219	41. 03-R-2201
11. 03-R-2172	42. 03-R-2202
12. 03-R-2174	43. 03-R-2203
13. 03-R-2176	44. 03-R-2204
14. 03-R-2246	45. 03-R-2205
15. 03-R-2247	46. 03-R-2206
16. 03-R-2248	47. 03-R-2207
17. 03-R-2226	48. 03-R-2208
18. 03-R-2232	49. 03-R-2209
19. 03-R-2237	50. 03-R-2210
20. 03-R-2178	
21. 03-R-2181	
22. 03-R-2182	
23. 03-R-2183	
24. 03-R-2184	
25. 03-R-2185	
26. 03-R-2186	
27. 03-R-2187	
28. 03-R-2188	
29. 03-R-2189	
30. 03-R-2190	
31. 03-R-2191	