

Entered - 11/14/03 - sb
CL03L0891 - DIANNE C. MITCHELL

04-R-0100

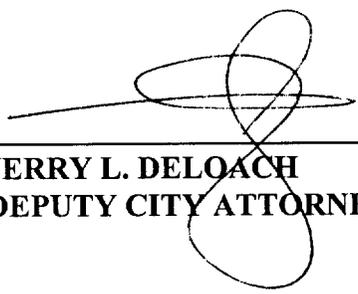
CLAIM OF: CITY OF ATLANTA POLICE, FIRE, AND
GENERAL EMPLOYEES PENSION FUND
BOARDS AND CERTAIN EMPLOYEE
REPRESENTATIVE ORGANIZATIONS,
through their attorney,
Mary Carole Cooney
380 Robin Hood Road, NE
Atlanta, Georgia 30309

FEB 02 2004

For damages alleged to have been sustained as a result of the denial of the claimants' demand to hire a third-party administrator for their respective Pension Funds, compliance with the requirements of the State pension law and allowance of funding to retain independent legal counsel.

THIS ADVERSED REPORT IS APPROVED

BY:


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

RECEIVED
FEB 02 2004

Ronald D. Simpson
MUNICIPAL CLERK

more
UNFAVORABLE REPORT

PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE

DATE: 1/27/04
CHAIR: *H. J. H. H.*
Debra Kinslow
Mary Norwood
H. P. S.
Paul J. ...
Carla Smith



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

February 9, 2004

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

Mary Carole Cooney
Attorney at Law
380 Robin Hood Road, NE
Atlanta, GA 30309

04-R-0100

RE: City of Atlanta Police, Fire and General
Employees Pension Fund Boards and Certain Employee
Representative Organizations

Dear Attorney Cooney:

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 February 02, 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. 03L0891

Date: January 12, 2004

Claimant/Victim CITY OF ATLANTA POLICE, FIRE AND GENERAL EMPLOYEES PENSION FUND BOARDS AND CERTAIN OTHER EMPLOYEE REPRESENTATIVE ORGANIZATIONS

BY: (Atty.) Mary Carole Coney

Address: 380 Robin Hood Road, NE, Atlanta, Georgia 30309

Subrogation: Claim for Property damage \$ Bodily Injury \$

Date of Notice: 11/12/03 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.)

Date of Occurrence 02/17/03 Place: 55 Trinity Avenue

Department Finance Division:

Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimants allege that they have been denied the right to hire a third-party administrator for their respective Pension Funds, that the City has refused to comply with the State pension law, and that the City has not allowed the claimants the funds to engage independent legal counsel. The claimants have filed a lawsuit to resolve the issues raised in its claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

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

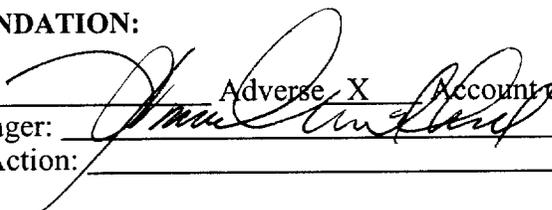
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01 2P01

Claims Manager:  Concur/date 01/15/04

Committee Action: Council Action

RCS# 5372
2/02/04
1:41 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 1-14 EXCEPT; 04-R-0185,
04-R-0186
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

CONSENT I

2-02-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
1. 04-O-0033	41. 04-R-0088
2. 04-O-0037	42. 04-R-0089
3. 04-O-0151	43. 04-R-0090
4. 04-O-0159	44. 04-R-0091
5. 04-O-0153	45. 04-R-0092
6. 04-R-0176	46. 04-R-0093
7. 04-R-0133	47. 04-R-0094
8. 04-R-0178	ITEMS ADVERSED ON CONSENT
9. 04-R-2123	48. 04-R-0096
10. 04-R-0135	49. 04-R-0097
11. 04-R-0136	50. 04-R-0098
12. 04-R-0137	51. 04-R-0099
13. 04-R-0138	52. 04-R-0100
14. 04-R-0139	53. 04-R-0101
15. 04-R-0145	54. 04-R-0102
16. 04-R-0146	55. 04-R-0103
17. 04-R-0147	56. 04-R-0104
18. 04-R-0148	57. 04-R-0105
19. 04-R-0149	58. 04-R-0106
20. 04-R-0150	59. 04-R-0107
21. 04-R-0154	60. 04-R-0108
22. 04-R-0160	61. 04-R-0109
23. 04-R-0161	62. 04-R-0110
24. 04-R-0162	63. 04-R-0111
25. 04-R-0164	64. 04-R-0112
26. 04-R-0184	65. 04-R-0113
27. 04-R-0140	66. 04-R-0114
28. 04-R-0170	67. 04-R-0115
29. 04-R-0076	68. 04-R-0116
30. 04-R-0077	69. 04-R-0117
31. 04-R-0078	70. 04-R-0118
32. 04-R-0079	71. 04-R-0119
33. 04-R-0080	72. 04-R-0120
34. 04-R-0081	73. 04-R-0121
35. 04-R-0082	74. 04-R-0122
36. 04-R-0083	75. 04-R-0123
37. 04-R-0084	76. 04-R-0124
38. 04-R-0085	
39. 04-R-0086	
40. 04-R-0087	