

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

MINUTES

APRIL 26, 2011

The scheduled meeting of the Public Safety and Legal Administration Committee was held on **Tuesday, April 26, 2011 at 3:59 p.m., in Committee Room #2**. The following members were present:

**The Honorable Ivory L. Young, Jr., Chair
The Honorable Michael J. Bond, Vice-Chair
The Honorable C. T. Martin
The Honorable Keisha Lance Bottoms
The Honorable Alex Wan
The Honorable Yolanda Adrean
The Honorable Joyce Sheperd**

Others present at the meeting were: Deputy City Attorney Jerry Deloach, Diane Mitchell and Amber Robinson, Law Department; Deputy Chiefs Shawn Jones, Calvin Moss and Ernest Finely, Major Debra A. Williams, Police Department; Deputy Chief Wilmond Meadows, Fire and Rescue; Daivd Bennett, Office of the Mayor; media, public and council staff.

Chairman Young called the meeting to order at 3:59 p.m. after declaring a quorum present. He then proceeded with the following order of business:

A. ADOPTION OF AGENDA - ADOPTED AS AMENDED TO ADD ONE RESOLUTION

B. APPROVAL OF MINUTES - APPROVED

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

11-R-0554 (1) Claim of **Melishia Carter, through her attorney, Peter J. Ross (DPW/11)**, for damages alleged to have been sustained as a result of a vehicular accident on June 9, 2009 at 1777 Delowe Drive. **\$14,300.00**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0555 (2) Claim of **USAA, as subrogee of Katherine C. Bird (DWM/08)**, for damages alleged to have been sustained as a result of a sewer backup on December 22, 2010 at 1302 Wesley Place, NW. **\$10,000.00**
- 11-R-0556 (3) Claim of **The Hertz Corporation (DWM/02)**, for vehicular damages alleged to have been sustained from an automobile accident on October 9, 2010 at 1605 Peachtree Street. **\$7,473.93**
- 11-R-0557 (4) Claim of **Jarvis Harris, through his attorney, Lloyd H. Thomas, III, P. C., Attorney at Law (DPW/01)**, for bodily injuries alleged to have been sustained from an automobile accident on August 16, 2010 at 128 Claire Drive, SE. **\$6,000.00**
- 11-R-0558 (5) Claim of **Warren Poindexter, through his attorney, Bruce A. Hagen (DWM/02)**, for damages alleged to have been sustained as a result of an accident on September 22, 2010 at 944 Marietta Street, NW. **\$6,000.00**
- 11-R-0559 (6) Claim of **AmericasMart (DPW/02)**, for property damages alleged to have been sustained from a sidewalk project on September 9, 2009 at 240 Peachtree Street, NE. **\$5,775.00**
- 11-R-0560 (7) Claim of **James Reynolds, through his attorney, Lloyd H. Thomas, III, P. C., Attorney at Law (DPW/01)**, for bodily injuries alleged to have been sustained from an automobile accident on August 16, 2010 at 128 Claire Drive, SE. **\$5,000.00**
- 11-R-0561 (8) Claim of **Craig Moore and Capital Wit, LLC (DWM/02)**, for damages alleged to have been sustained as a result of a sewer backup on March 10, 2010 at 488 Edgewood Avenue. **\$4,800.00**

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RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0569 (16) Claim of **Timothy English (DPW/11)**, for damages alleged to have been sustained from an automobile accident on January 12, 2011 on Alison Court, SW. **\$1,829.66**
- 11-R-0570 (17) Claim of **Justin Barnes (DPW/09)**, for damages alleged to have been sustained as a result of driving over a pothole on August 11, 2010 at 2000 Bolton Road. **\$1,800.00**
- 11-R-0571 (18) Claim of **Carmeka Rush, on behalf of her minor child, Cameron Rush, through their attorney, C. F. Spence, Esq., Foy & Associates (APD/09)**, for bodily injuries alleged to have been sustained from an automobile accident on May 8, 2010 at Browntown Road, NW and James Jackson Parkway, NW. **\$1,736.10**
- 11-R-0572 (19) Claim of **Yolanda Tyson (DWM/04)**, for damages alleged to have been sustained as a result of flooding due to a water meter tailpiece leak on March 19, 2010 at 973 Oakland Drive. **\$1,500.00**
- 11-R-0573 (20) Claim of **U. S Department of Treasury Internal Revenue Service (DPW/09)**, for damages alleged to have been sustained as a result of an automobile accident on January 24, 2011 at 1510 Huber Street, NW. **\$1,476.41**
- 11-R-0574 (21) Claim of **Earnest M. Tate (DPRCA/02)**, for damages alleged to have been sustained as a result of an automobile accident on February 9, 2011 at 174 Boulevard, SE. **\$1,006.23**
- 11-R-0575 (22) Claim of **Carolyn and Willie Gray (DWM/01)**, for damages alleged to have been sustained as a result of a sewer backup on November 25, 2010 at 1622 Wellswood Drive. **\$1,000.00**
- 11-R-0576 (23) Claim of **Yusuf Akhmedov (APD/07)**, for damages alleged to have been sustained as a result of a vehicular accident on September 25, 2010 at 3200 Lenox Road. **\$937.23**

RESOLUTIONS (CONT'D)

Claims with favorable recommendations:

- 11-R-0577 (24) Claim of **Joseph White (APD/NA)**, for damages alleged to have been sustained as a result of a vehicular accident on January 17, 2011 at Airport Road at Riverdale Road. **\$866.80**
- 11-R-0578 (25) Claim of **Liberty Mutual Insurance Company, as subrogee of Yvette Harrison (AFR/05)**, for damages alleged to have been sustained as a result of a vehicular accident on August 24, 2010 at 203 Moreland Avenue. **\$735.98**
- 11-R-0579 (26) Claim of **David Fleming (DWM/03)**, for vehicular damages alleged to have been sustained as a result of a gate malfunction at a city facility on November 2, 2010 at 651 14th Street. **\$676.07**
- 11-R-0580 (27) Claim of **Sandra Han (DWM/12)**, for vehicular damages alleged to have been sustained from an automobile accident on December 1, 2010 at 1519 Pryor Road, SW. **\$675.00**
- 11-R-0581 (28) Claim of **Karl Xjimenez and Kerry L. Riddle (DPW/05)**, for damages alleged to have been sustained as a result of an automobile accident on January 26, 2011 at 1122 Kirkwood Avenue. **\$613.44**
- 11-R-0669 (29) Claim of **National Union Fire Insurance Company (DOF/02)**, for damages alleged to have been sustained as a result of reimbursement for restitution funds paid to the City of Atlanta in the case of Jonathan Dodd, former City employee. **\$3,132.00**

Claims with unfavorable recommendations:

- 11-R-0582 (30) Claim of **Everton Beadle, through his attorney, Sampson Oliver, Attorney at Law (NA/NA)**, for bodily injuries alleged to have been sustained from a fall from a MARTA bus on January 20, 2011 at an unspecified location.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0583 (31) Claim of **Cameron Branch (NA/NA)**, for damages alleged to have been sustained as a result of a vehicular accident on November 12, 2010 at 4577 Roswell Road.
- 11-R-0584 (32) Claim of **Christy Rosser (NA/02)**, for damages alleged to have been sustained as a result of a robbery investigation beginning in 2009 at 805 Piedmont Avenue, #9.
- 11-R-0585 (33) Claim of **Kent P. Smith (NA/06)**, for vehicular damages alleged to have been sustained after driving over a construction site that was left open and in an unsafe manner on January 31, 2011 at 2165 Cheshire Bridge Road, NE.
- 11-R-0586 (34) Claim of **Betty Meekins (NA/08)**, for damages alleged to have been sustained as a result of driving over an unsecured construction cut on November 1, 2010 at 24 West Wieuca Road.
- 11-R-0587 (35) Claim of **Major Fields, through his attorney, James Kelleher (NA/09)**, for damages alleged to have been sustained as a result of a vehicular accident on May 4, 2010 at Scott Elementary School, 1752 Hollywood Road.
- 11-R-0588 (36) Claim of **Emory-Adventist Hospital, on behalf of Stacia Parker (APD/01)**, for damages alleged to have been sustained as a result of an automobile accident on February 24, 2011 at Lucile Avenue.
- 11-R-0589 (37) Claim of **James Saul (APD/06)**, for damages alleged to have been sustained as a result of a trip and fall on August 23, 2010 on Ponce de Leon Avenue, NE at City Hall East.
- 11-R-0590 (38) Claim of **Tony Smith, through his attorney, Gerald Weber, Attorney at Law (APD/06)**, for damages alleged to have been sustained from a detention incident on October 7, 2009 at 929 Charles Allen Drive, NE.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0591 (39) Claim of **Hugwitt L. Davis (APD/06)**, for damages alleged to have been sustained from an arrest on August 14, 2010 at 2261 Cheshire Bridge Road, NE.
- 11-R-0592 (40) Claim of **Abshir Jama, through his attorney, Thomas M. West, Attorney at Law (APD/07)**, for damages alleged to have been sustained from an arrest on July 30, 2010 at 1050 Lenox Park Boulevard.
- 11-R-0593 (41) Claim of **Stanley Andrews, a minor and Tosha Andrews, through their attorney, R. Andres Marierose (APD/10)**, for damages alleged to have been sustained as a result of an arrest on December 10, 2009 at 225 Hamilton E. Holmes Drive, Douglass High School.
- 11-R-0594 (42) Claim of **Claude Harvey (APD/11)**, for damages alleged to have been sustained as a result of a vehicular accident on June 22, 2010 at Mays Drive and Veltre Circle.
- 11-R-0595 (43) Claim of **Brice A. Lyons, through his attorney, Duncan M. Harle (APD/11)**, for damages alleged to have been sustained as a result of an automobile accident November 3, 2010 on Campbellton Road.
- 11-R-0596 (44) Claim of **Lanier Watkins, through his attorney, David Krugler (APD/11)**, for damages alleged to have been sustained as a result of an arrest on March 10, 2010 at 2899 Tejas Trail.
- 11-R-0597 (45) Claim of **James O. Dixon, through his attorneys, Montlick & Associates (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on February 3, 2011 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.

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RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0598 (46) Claim of **Evon Terrell, through her attorneys, Fears Nachawati PLLC (DOA/NA)**, for bodily injuries alleged to have been sustained from a fall on July 18, 2010 at Hartsfield-Jackson Atlanta International Airport, 8700 Spine Road.
- 11-R-0599 (47) Claim of **Edsel Freeman (DPRCA/10)**, for damages alleged to have been sustained as a result of a fallen tree limb on February 14, 2011 on Harlan Road, SW.
- 11-R-0600 (48) Claim of **Ameriprise Auto & Home Insurance, as subrogee of Edward Davis (DPRCA/12)**, for damages alleged to have been sustained from an automobile accident on November 15, 2009 at Metropolitan Parkway and Avery Road, SW.
- 11-R-0601 (49) Claim of **Johnny Brown (DPW/02)**, for vehicular damages alleged to have been sustained when a windshield was cracked by the salt and gravel mixture on the road on January 31, 2011 at 55 Trinity Avenue, SW.
- 11-R-0602 (50) Claim of **Bobbie Huff (DPW 12)**, for damages alleged to have been sustained as a result of the erroneous discard of a trash receptacle in January 2011 at 1726 Fairbanks Street.
- 11-R-0603 (51) Claim of **Kwang Lee (DWM/NA)**, for damages alleged to have been sustained as a result of a water meter leak on August 31, 2010 at 6125 Roswell Road.
- 11-R-0604 (52) Claim of **David Perlow (DWM/NA)**, for damages alleged to have been sustained as a result of a severed water line on March 9, 2010 at 7490 Wildercliff Drive.
- 11-R-0605 (53) Claim of **Marcus Dominic (DWM/02)**, for vehicular damages alleged to have been sustained after driving over a hazardous water valve box on September 9, 2010 at 1330 West Peachtree Street and 17th Street.

RESOLUTIONS (CONT'D)

Claims with unfavorable recommendations:

- 11-R-0606 (54) Claim of **Susan Fowler (DWM/05)**, for vehicular damages alleged to have been sustained after driving over a pothole in the road due to a sanitary sewer construction project on January 23, 2011 at 1110 Wylie Street, SE.
- 11-R-0607 (55) Claim of **AT&T (DWM/06)**, for damages alleged to have been sustained as a result of a severed phone line during the repair of a water main on March 16, 2009 at 2115 Piedmont Road.
- 11-R-0608 (56) Claim of **ACE Private Risk Services, as subrogee of Sara Davis (DWM/07)**, for damages alleged to have been sustained as a result of flooding from a water meter leak on July 6, 2010 at 2925 North Hills Drive.
- 11-R-0609 (57) Claim of **Assurance Company of America, as subrogee of The Hunter Group Architects, Inc. (DWM/07)**, for property damages alleged to have been sustained from a water main break on July 6, 2010 at 2878 Piedmont Road, NE.
- 11-R-0610 (58) Claim of **Atlanta Gas Light Company (DWM/08)**, for damages alleged to have been sustained as a result of a severed gas line during the repair of a water main on July 9, 2010 at 281 West Paces Ferry Road.
- 11-R-0611 (59) Claim of **Farmers Insurance Company, as subrogee of Pharr Court Condominium (DWM/08)**, for damages alleged to have been sustained as a result of a sewer backup on September 18, 2010 at 3057 Pharr Court North.
- 11-R-0612 (60) Claim of **Rhonda Levitt (DWM/11)**, for damages alleged to have been sustained as a result of flooding on March 20, 2011 at 3000 Continental Colony Parkway, SW, Apartment F-150. **(1 ABSTENTION) LANCE BOTTOMS**

(Councilmember Martin made a motion to approve Items C1-C60)

FAVORABLE

D. ORDINANCE FOR FIRST READING

11-O-0615 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2009 (Intergovernmental Grant Fund) Budget, Department of Police by adding to anticipations and appropriations the amount of \$125,000.00 due to modifications in grant funds from the White House Office of National Drug Control Policy (“White House”) for the continuation of the High Intensity Drug Trafficking Area (“HIDTA”) Task Force and continued disruption of drug trafficking organizations; and for other purposes.

TO BE REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

REGULAR

E. RESOLUTIONS

11-R-0613 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the City Attorney to enter into a settlement with a condemnee in the matter of the City of Atlanta v. Ronald Franklin Williams, Civil Action File No. 2009CV169087 pending in the Superior Court of Fulton County; to authorize the payment in an amount not to exceed \$25,000.00 to be paid from the Fund, Department, Organization and Account listed; and for other purposes.
(Councilmember Wan made a motion to approve)

FAVORABLE

11-R-0614 (2) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor, on behalf of the Department of Police, to apply for and accept a grant from the White House Office of National Drug Control Policy (“ONDCP”), in the amount of \$5,066,481.00, for the purpose of disrupting and dismantling illegal drug trafficking organizations; and for other purposes.
(Councilmember Bond made a motion to approve)

FAVORABLE

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RESOLUTIONS (CONT'D)

- 11-R-0687 (3) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Cooperative Purchasing Agreement with Bosch Security, pursuant to Sections 2-1602 And 2-1604 of the Procurement and Real Estate Code of the City of Atlanta, utilizing the GSA Contract# GS-07F-7820C, for the purpose of upgrading the existing analog security system to an Internet Protocol System on behalf of the Municipal Court of Atlanta, in an amount not to exceed \$72,304.00; All costs to be charged to and paid from the Fund, Department, Account, and Function Activity listed; and for other purposes.
(Councilmember Sheperd made a motion to approve)

FAVORABLE

- 11-R-0688 (4) A Resolution by Public Safety and Legal Administration Committee authorizing the Mayor to enter into a Cooperative Purchasing Agreement with Ricoh Americas Corporation, pursuant to Sections 2-1602 And 2-1604 of the Procurement and Real Estate Code of the City of Atlanta, utilizing the GSA Contract# GS-03F-0085U, for the purchase of eight multi-functional copiers on behalf of the Municipal Court of Atlanta, in an amount not to exceed \$20,000.00; All costs to be charged to and paid from the Fund, Department, Account, and Function Activity listed; and for other purposes.
(Councilmember Wan made a motion to approve on condition)

FAVORABLE ON CONDITION

F. PAPERS HELD IN COMMITTEE

- 10-R-0137 (1) A Resolution by Councilmembers Natalyn M. Archibong and C. T. Martin requesting that City Council authorize a Forensic Audit should be conducted as a result of the findings and recommendations from the Audit Report of the Public Safety Facilities Construction and the Sale of City Hall East; and for other purposes. **(Held 1/12/10 for a Joint Work Session with Finance/Executive Committee and Committee on Council) (Work Session held 2/3/10)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-0397 (2) An Ordinance by Councilmember H. Lamar Willis as substituted by Public Safety and Legal Administration Committee amending Section 162-227 and Section 162-232 of the City of Atlanta Code of Ordinances so as to establish fees for the administrative costs associated with nonconsensual motor vehicle towing; and for other purposes. **(Public Hearing held 4/27/10) (Held 4/27/10 for further evaluation and review.)**
- 10-O-0399 (3) An Ordinance by Councilmember Ivory L. Young, Jr. to amend Article XXIII, ("Vending on Public Property") of Chapter 30, ("Businesses"), Section 30-1436 ("Disabled Veterans"), of the Code of Ordinances of the City of Atlanta, Georgia, so as to expressly exempt Disabled Veterans from participation in the Public Vending Management Program; and for other purposes. **(Held 2/23/10 for further review.)**
- 10-O-0728 (4) An Ordinance by Public Safety and Legal Administration Committee to amend Chapter 30, Article VIII, of the City of Atlanta Code of Ordinances to clearly distinguish between legitimate Escorts Holding Permits issued by the City of Atlanta under its police powers, and persons who perform Criminal Acts as determined by State Law; and for other purposes. **(Held 5/11/10 for further review.)**
- 10-R-0855 (5) Claim of **Ron Tuso**, for damages alleged to have been sustained as a result of a sewer backup on November 10, 2009 at 1850 Memorial Drive. **(Held 5/11/10 for further review by the Law Department)**
- 10-O-1173 (6) An Ordinance by Councilmembers Ivory L. Young, Jr. and C. T. Martin imposing a Ninety (90) Day Moratorium on the City's Public Property Vending Program; to create a subcommittee to study and review the operation of the Public Property Vending Program; to waive conflicting ordinances; and for other purposes. **(Referred back from Council 7/19/10) (Held 7/27/10 for further review.)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-O-1342 (7) An Ordinance by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, C. T. Martin, Felicia A. Moore and Ivory L. Young, Jr. to amend Chapter 10, Article II, Division 3 of the Code of Ordinances of the City of Atlanta, Georgia by creating a new Section 10-130 to be entitled "Extended Hours Permit Pilot Program"; to temporarily waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances in the Edgewood Avenue/Auburn Avenue District of the City so as to allow for a Pilot Program to examine the impact of extending the permissible hours for establishments authorized to sell alcoholic beverages for on-premises consumption; to define the boundaries of the Edgewood Avenue/Auburn Avenue District; to waive conflicting ordinances for this instance only; and for other purposes. **(Held 7/13/10 for further discussion)**
- 10-R-1343 (8) A Resolution by Councilmembers Kwanza Hall, Michael J. Bond, Aaron Watson, Alex Wan, Felicia A. Moore, Joyce Sheperd, Ivory L. Young, Jr., Natalyn M. Archibong and Carla Smith **as amended by Public Safety and Legal Administration Committee** to establish a Task Force to review the Alcoholic Beverage Licensing Process generally, from application to License Review Board consideration and to the enforcement of Alcoholic Beverage Laws, Ordinances and Regulations; to authorize the Public Safety and Legal Administration Committee to determine the membership structure of the Task Force; and for other purposes. **(Amended and held 7/13/10 for further discussion)**
- 10-O-1809 (9) An Ordinance by Councilmembers Kwanza Hall and Natalyn Archibong to create a new Division 3 (To be entitled "Street Food Vending Program") of Article XXIII ("Vending on Public Property") of the Code of Ordinances of the City of Atlanta, Georgia which Division shall provide the regulatory framework by which street food vending in the City of Atlanta shall be governed, including but not limited to, the creation of street food vending sites, rules and regulations, and the criteria for the issuance of permits and the cost thereof; to waive conflicting ordinances; and for other purposes. **(Held 10/12/10, for further review)**

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PAPERS HELD IN COMMITTEE (CONT'D)

- 10-R-1813 (10) A Resolution by Councilmember Michael J. Bond requesting the Atlanta Police Department (APD) to study the feasibility of increasing the collaboration with the Atlanta Public Schools (APS) Security Operations; and for other purposes. **(Held 10/12/10, at the request of the author.)**
- 10-O-1880 (11) An Ordinance by Councilmembers Kwanza Hall, Aaron Watson, H. Lamar Willis, Michael J. Bond, Natalyn Archibong, Keisha Lance Bottoms, Alex Wan and Carla Smith authorizing the operation of Human-Drawn Vehicles (Pedicabs) within the City of Atlanta; to establish requirements and regulations for such program; and for other purposes. **(Held 10/26/10 for further review at the request of the author.)**
- 10-O-2228 (12) An Ordinance by Councilmember H. Lamar Willis **as amended by Public Safety and Legal Administration Committee** amending the City of Atlanta Code of Ordinances so as to add a new Section 2-1719, prohibition against the use of cell phones by City Employees while operating a vehicle in the performance of city business; and for other purposes. **(Held 12/14/10 for further review by the Law Department.) (Amended and held 3/1/11)**
- 11-C-0451 (13) A Communication by City Auditor Leslie Ward submitting the Performance Audit Report regarding the Municipal Court Operations. **(Held 3/29/11 for a Joint Work Session with Public Safety and Legal Administration and Finance/Executive Committees for Friday, April 22, 2011 at 10:00 a.m.)**
- 11-R-0535 (14) A Resolution by Councilmember C. T. Martin authorizing the settlement and payment of all claims for compensation in an amount to be determined, to the following City of Atlanta Parking Enforcement Officers who allege that the City wrongfully terminated their employment by failing to follow its ordinances and procedures governing reduction in force (RIF); Lamar J. Singleton, Bobby Asbury, Tina Nealous, Kareema Aziz, Wayne Norris, Shoronda Williams and Dadriko Lindsey; to authorize the Chief Financial Officer to distribute the settlement amount; and for other purposes. **(Held 3/29/11 for further discussions)**

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G. FOLLOW-UP ITEM

1. Councilmember Young requested that David Bennett make a report to the committee relating to the Vending contract at each committee meeting.

H. ITEM NOT ON THE AGENDA

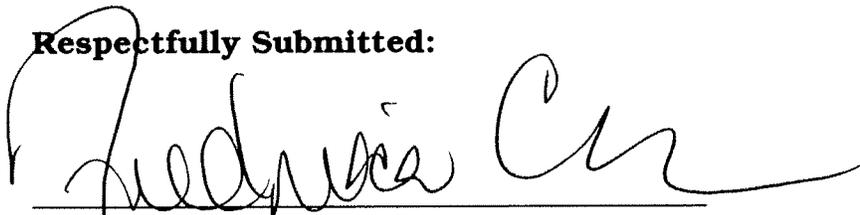
- 11-R-0689 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the settlement of all claims against the City of Atlanta in the case of Anna Hicks, et al. v. City of Atlanta, Georgia, Civil Action File No. 2008-EV-004376, Fulton County State Court, in the total amount of \$91,000.00; authorizing \$45,500.00 to be paid from the Fund, Department, Organization and Account listed; and \$45,500.00 to be paid from the Fund, Department, Organization and Account listed; authorizing the Chief Financial Officer to distribute the settlement amount; and for other purposes.
(Councilmember Bond made a motion to approve)

FAVORABLE

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There being no further business to come before the Committee, the meeting was adjourned at 6:21 p.m.

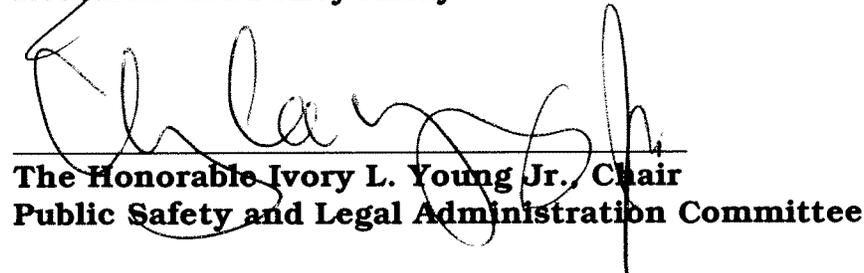
Respectfully Submitted:



Fredrieca Cooper
Legislative Assistant



Bernard Thomas
Research and Policy Analyst



The Honorable Ivory L. Young Jr., Chair
Public Safety and Legal Administration Committee