

(Do Not Write Above This Line)

11-0433

A RESOLUTION

11-R-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF WELLINGTON CLARKE V. CITY OF ATLANTA. CIVIL ACTION FILE NUMBER 2008CV159292, SUPERIOR COURT OF FULTON COUNTY, ATLANTA, GEORGIA, IN THE AMOUNT OF \$90,000.00; AUTHORIZING PAYMENT OF THIS AMOUNT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), CENTER NUMBER 200101 (NON-DEPARTMENTAL), (ACCOUNT 5212005 (LITIGATION EXPENSES) and FUNCTIONAL ACTIVITY NUMBER 151200 (ACCOUNTING)) TO THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES (NAGE) TO BE HELD IN ESCROW; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

J. L. DeLoach, Deputy City Attorney

SILENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

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 _____

PSLA Committee

3/15/11 Date

Chair

Action

Fav, Adv, Hold (see rev. side)

ON SUBSTITUTED

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

ADOPTED BY

MAR 21 2011

COUNCIL

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd 3rd

Readings

Consent V Vote RC Vote

CERTIFIED

MAR 21 2011

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

MAR 21 2011

MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 30 2011

WITHOUT SIGNATURE BY OPERATION OF LAW



CITY COUNCIL
ATLANTA, GEORGIA

11-R-0433

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

**AS SUBSTITUTED BY THE
PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF WELLINGTON CLARKE v. CITY OF ATLANTA, CIVIL ACTION FILE NUMBER 2008CV159292, SUPERIOR COURT OF FULTON COUNTY, ATLANTA, GEORGIA, IN THE AMOUNT OF \$90,000.00; AUTHORIZING PAYMENT OF THIS AMOUNT TO BE CHARGED TO AND PAID FROM FUND 1001 (GENERAL FUND), CENTER NUMBER 200101 (NON-DEPARTMENTAL), (ACCOUNT 5212005 (LITIGATION EXPENSES) and FUNCTIONAL ACTIVITY NUMBER 151200 (ACCOUNTING) TO THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES (NAGE) TO BE HELD IN ESCROW; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Wellington Clarke, et al vs. City of Atlanta* is a case in which the Plaintiffs, Wellington Clarke, Chukwuemeka Edeh, Lilquoda Lawrence, Kiante Martin, Kimberly McWhorter, Onesia Scott-Rhodes, Marilyn Waldon, and Yasmine Walker, sought a mandamus and damages for breach of contract for alleged violations of the City Code of Ordinances 114-379(b); and

WHEREAS, Plaintiffs, in a mediation, has agreed to accept \$90,000 in full settlement of all claims against the City of Atlanta, including interest and attorney's fees; and

WHEREAS, the amount \$90,000 is payable to the National Association of Government Employees (NAGE) on behalf of Plaintiffs; and

WHEREAS, The City Attorney has done extensive review of the facts and the law and has determined that the City's potential financial exposure in defending Plaintiffs' claims is in excess of the settlement amount; and

WHEREAS, The City Attorney considered it to be in the best interest of the City to pay the amount of \$90,000.00 to settle all claims against the City of Atlanta.



THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle and execute all documents in the case of *Wellington Clarke et al v. City of Atlanta* in the amount of Ninety Thousand Dollars (\$90,000.00).

SECTION 2. Said payment is to be charged, paid and issued as follows:

The Chief Financial Officer is authorized to make payment from **Fund 1001 (General Fund), Center Number 200101 (Non-Departmental), (Account 5212005 (Litigation Expenses) and Functional Activity Number 1512000 (Accounting)). Payment shall be in the form of a check in the amount of \$90,000.00 payable to NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES on behalf of Clarke Plaintiffs, 160 Clairemont Ave., Suite 200, Decatur, GA 30030.** Such payments shall be made in full consideration of the dismissal of all claims against the City of Atlanta, and its current and former officers and employees.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

MAR 21, 2011

MAR 30, 2011

RCS# 927
3/21/11
2:25 PM

Atlanta City Council

REGULAR SESSION

CONSENT I EXCEPT 11-O-0323, 11-O-0324, 11-O-0325

RECONSIDER

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

Y Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

RCS# 925
3/21/11
2:23 PM

Atlanta City Council

REGULAR SESSION

CONSENT I EXCEPT 11-O-0323,11-O-0324,11-O-0325

ADOPT

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

Y Smith	Y Archibong	Y Moore	NV Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		03-21-11
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	
1. 11-O-0106	38. 11-R-0378	75. 11-R-0415
2. 11-O-0221	39. 11-R-0379	76. 11-R-0416
3. 11-O-0317	40. 11-R-0380	77. 11-R-0417
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5. 11-O-0315	42. 11-R-0382	79. 11-R-0419
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7. 11-O-0260	44. 11-R-0384	81. 11-R-0421
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9. 11-O-0440	46. 11-R-0386	83. 11-R-0423
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12. 11-O-0328	49. 11-R-0389	86. 11-R-0426
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16. 11-R-0356	53. 11-R-0393	90. 11-R-0430
17. 11-R-0338	Items Adversed on	91. 11-R-0431
18. 11-R-0339	Consent	92. 11-R-0432
19. 11-R-0340	54. 11-R-0394	
20. 11-R-0341	55. 11-R-0395	
21. 11-R-0342	56. 11-R-0396	
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36. 11-R-0437	71. 11-R-0411	
37. 11-R-0377	72. 11-R-0412	
	73. 11-R-0413	
	74. 11-R-0414	