

(Do Not Write Above This Line)  
**12-R-0887**

A RESOLUTION 12-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 JOANNE C. SMITH V. CITY OF ATLANTA, ET AL., CIVIL ACTION FILE NUMBER 1:11-CV-1956-CAP, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$80,000.00; AUTHORIZING PAYMENT OF \$80,000.00 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) AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES

Eric Richardson, Deputy City Attorney **ADOPTED BY**

JUL 0 2 2012

**COUNCIL**

- 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:  
 Date Referred  
 Referred To:

First Reading  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred to \_\_\_\_\_

Date 6/26/12 Action <i>[Signature]</i> Fav, Adv, Hold (see rev. side) <i>[Signature]</i> Other 3 years Members <i>[Signature]</i>	Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____
Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____	Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____

Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____	Committee _____ Date _____ Chair _____ Action _____ Fav, Adv, Hold (see rev. side) _____ Other _____ Members _____
Refer To _____ Refer To _____	Refer To _____ Refer To _____

FINAL COUNCIL ACTION

2nd     1st & 2nd     3rd

Readings

Consent     V Vote     RC Vote

**CERTIFIED**

JUL 0 2 2012

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

**CERTIFIED**

JUL 0 2 2012

*[Signature]*  
 Municipal Clerk

MAYOR'S ACTION

**APPROVED**

JUL 1 1 2012

WITHOUT SIGNATURE  
 BY OPERATION OF LAW



A RESOLUTION

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 JOANNE C. SMITH V. CITY OF ATLANTA, CIVIL ACTION FILE NUMBER 1:11-CV-1956-CAP, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$80,000.00; AUTHORIZING PAYMENT OF \$80,000.00 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); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, *Joanne C. Smith v. City of Atlanta, et al.*, is a case in which the Plaintiff, Joanne C. Smith, sought remedy and redress for having been terminated in violation of FMLA; and

WHEREAS, Plaintiff has agreed to accept \$80,000.00 in full settlement of all claims against the police officer, inclusive of interest and attorney's fees; 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 Plaintiff's 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 \$80,000.00 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 *Joanne C. Smith v. City of Atlanta, et al.* in the amount of Eighty-Thousand Dollars and Zero Cents (\$80,000.00).



**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 \$80,000.00 payable to **Joanne C. Smith and Howard R. Evans & Associates, P.C.**

Such payment shall be in full consideration of the dismissal of all claims against the City of Atlanta and its current and former police officers.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

JUL 02, 2012  
JUL 11, 2012

RCS# 2125  
7/02/12  
2:16 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SEC. I EXCEPT 12-R-0888  
MONDAY, JULY 2, 2012 AGENDA  
ADOPT AS AMNDED

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

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

CONSENT I

		07-02-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-0899	38. 12-R-0859	46. 12-R-0868
2. 12-O-0672	39. 12-R-0860	47. 12-R-0869
3. 12-O-0454	40. 12-R-0861	48. 12-R-0870
4. 12-O-0819	41. 12-R-0862	49. 12-R-0871
5. 12-O-0820	42. 12-R-0863	50. 12-R-0872
6. 12-O-0833	43. 12-R-0864	51. 12-R-0873
7. 12-O-0391	44. 12-R-0865	52. 12-R-0874
8. 12-O-0813	45. 12-R-0866	
9. 12-O-0814		
10. 11-O-0945		
11. 12-O-0810		
12. 12-O-0811		
13. 12-O-0812		
14. 12-O-0896		
15. 12-O-0455		
16. 12-O-0558		
17. 12-R-0887		
19. 12-R-0880		
20. 12-R-0881		
21. 12-R-0882		
22. 12-R-0883		
23. 12-R-0884		
24. 12-R-0875		
25. 12-R-0876		
26. 12-R-0897		
27. 12-R-0898		
28. 12-R-0901		
29. 12-R-0696		
30. 12-R-0818		
31. 12-R-0852		
32. 12-R-0853		
33. 12-R-0854		
34. 12-R-0855		
35. 12-R-0856		
36. 12-R-0857		
37. 12-R-0858		