

12-1074

(Do Not Write Above This Line)

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 SYLVESTER CLARK V. STEVEN ARNOCCZKI, CIVIL ACTION FILE NUMBER 1:10-CV-0188-AT, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$20,000.00; AUTHORIZING PAYMENT OF \$20,000.00 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 Atty. **ADOPTED BY**

SEP 04 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 _____

PSLA Committee

Date 9/28/12

Chair [Signature]

Action [Signature]

Fav, Adv, Hold (see rev. side)
Other _____

Members

[Signatures]

Refer To _____

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 _____

Committee _____

Date _____

Chair _____

Action _____

Fav, Adv, Hold (see rev. side)
Other _____

Members

Refer To _____

Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
Readings
 Consent V Vote RC Vote

CERTIFIED

CERTIFIED
SEP 04 2012

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED
SEP 04 2012

Rose Dugher Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

SEP 13 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 SYLVESTER CLARK V. STEVEN ARNOCZKI, CIVIL ACTION FILE NUMBER 1:10-CV-0188-AT, UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF \$20,000.00; AUTHORIZING PAYMENT OF \$20,000.00 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, *Sylvester Clark v. Steven Arnoczki*, is a case in which the Plaintiff, Sylvester Clark, sought remedy and redress for alleged deprivation of his Fourth Amendment rights after the officer used alleged excessive force during his arrest; and

WHEREAS, Plaintiff has agreed to accept \$20,000.00 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 \$20,000.00 to settle all claims against the City of Atlanta's police officer.

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 *Sylvester Clark v. Steven Arnoczki* in the amount of Twenty-Thousand Dollars and Zero Cents (\$20,000.00).

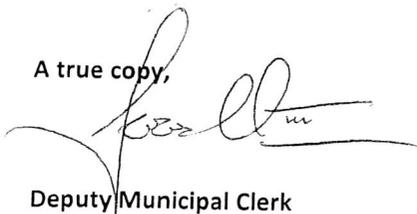


SECTION 2. Said payment is to be charged, paid and issued as follows:

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 \$20,000.00 payable to Sylvester Clark.

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,



Deputy Municipal Clerk

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

September 04, 2012
September 13, 2012

RCS# 2239
9/04/12
2:43 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I
9/4/2012
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 3

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

CONSENT I

		09-04-12
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 12-O-1132	35. 12-R-1086	48. 12-R-1114
2. 12-O-1144	36. 12-R-1087	49. 12-R-1115
3. 12-O-1142	37. 12-R-1088	50. 12-R-1116
4. 12-O-0349	38. 12-R-1104	51. 12-R-1117
5. 12-O-1134	39. 12-R-1105	52. 12-R-1118
6. 12-O-1135	40. 12-R-1106	53. 12-R-1119
7. 12-R-1097	41. 12-R-1107	54. 12-R-1120
8. 12-R-1098	42. 12-R-1108	55. 12-R-1121
9. 10-R-1099	43. 12-R-1109	56. 12-R-1122
10. 12-R-1100	44. 12-R-1110	57. 12-R-1123
11. 12-R-1102	45. 12-R-1111	58. 12-R-1124
12. 11-R-1103	46. 12-R-1112	59. 12-R-1125
13. 12-R-1130	47. 12-R-1113	60. 12-R-1126
14. 12-R-1057		61. 12-R-1127
15. 12-R-1058		
16. 12-R-1059		
17. 12-R-1060		
18. 12-R-1061		
19. 12-R-1062		
20. 12-R-1145		
21. 12-R-1064		
22. 12-R-1065		
23. 12-R-1066		
24. 12-R-1148		
25. 12-R-1073		
26. 12-R-1074		
27. 12-R-1075		
28. 12-R-1076		
29. 12-R-1078		
30. 12-R-1079		
31. 12-R-1082		
32. 12-R-1083		
33. 12-R-1084		
34. 12-R-1085		