

13- R -0520
 (Do Not Write Above This Line)

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 STATE FARM MUTUAL
 AUTOMOBILE INSURANCE
 CO. AS SUBROGEE OF
 KENNETH W. BOWEN V.
 CITY OF ATLANTA, CIVIL
 ACTION FILE NO.
 2012EV015502C, PENDING IN
 FULTON COUNTY STATE
 COURT, IN THE AMOUNT OF
 \$4023.32 (THE "SETTLEMENT
 AMOUNT"); AUTHORIZING
 THE SETTLEMENT 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);
 AUTHORIZING THE CHIEF
 FINANCIAL OFFICER TO
 DISTRIBUTE THE
 SETTLEMENT AMOUNT;
 AND FOR OTHER PURPOSES.

Approved By: *[Signature]*
 Eric A. Richardson
 Deputy City Attorney

**ADOPTED BY
 MAR 18 2013
 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:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

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

PSLA Committee
 Date 3/12/13
 Chair *[Signature]*
 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 _____

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 _____

CERTIFIED
CERTIFIED
 MAR 18 2013
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
CERTIFIED
 MAR 18 2013
 Rhonda Dugan Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
APPROVED
 MAR 27 2013
 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 STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. AS SUBROGEE OF KENNETH W. BOWEN V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 2012EV015502C, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$4023.32 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT 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); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. AS SUBROGEE OF KENNETH W. BOWEN V. CITY OF ATLANTA, is a lawsuit in which Plaintiff sought to recover damages from the City of Atlanta resulting from alleged negligent actions by a City of Atlanta police officer; and

WHEREAS, Plaintiff alleges that the City of Atlanta police officer was negligent in the use of a motor vehicle and that this alleged negligence caused Plaintiff's property damage; and

WHEREAS, Plaintiff has agreed to accept the Settlement Amount in full settlement of all claims against the City of Atlanta; 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 considers it to be in the best interest of the City to pay the Settlement Amount 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 STATE FARM MUTUAL AUTOMOBILE INSURANCE CO. AS SUBROGEE OF KENNETH W. BOWEN V. CITY OF ATLANTA in the amount of Four Thousand Twenty-three Dollars and Thirty-Two Cents (\$4023.32).

SECTION 2. 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 151200 (ACCOUNTING).** Payment shall be in the form of a check in the amount of \$4023.32 payable to Boutwell & Associates, LLC as Attorneys for State Farm Mutual Automobile Insurance Co. a/s/o Kenneth W. Bowen. Such payment shall be 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,

A handwritten signature in blue ink, appearing to read "S. D. ...", written over a horizontal line.

Deputy Clerk

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

MAR 18, 2013
MAR 27, 2013

RCS# 2
3/18
4:15

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I; ALL ITEMS

3/18/13

ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 6
EXCUSED: 0
ABSENT 0

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

		03-18-13
ITEMS ADOPTED ON CONSENT	ITEMS ADOPDED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 13-O-0316	35. 13-R-0422	67. 13-R-0480
2. 13-O-0498	36. 13-R-0423	68. 13-R-0481
3. 13-O-0506	37. 13-R-0424	69. 13-R-0482
4. 13-O-0299	38. 13-R-0425	70. 13-R-0483
5. 13-O-0505	39. 13-R-0511	71. 13-R-0484
6. 13-O-0513	40. 12-R-1165	72. 13-R-0485
7. 13-O-0303	41. 13-R-0292	73. 13-R-0486
8. 13-O-0304	42. 13-R-0434	74. 13-R-0487
9. 13-O-0499	43. 13-R-0436	75. 13-R-0489
10. 13-O-0289	44. 13-R-0521	76. 13-R-0490
11. 13-O-0290	45. 13-R-0494	77. 13-R-0491
12. 13-O-0291	46. 13-R-0495	78. 13-R-0492
13. 13-O-0507	47. 13-R-0520	
14. 13-O-0284	48. 13-R-0462	
15. 13-O-0285	49. 13-R-0463	
16. 13-O-0515	50. 13-R-0464	
17. 13-R-0456	51. 13-R-0465	
18. 13-R-0457	52. 13-R-0488	
19. 13-R-0458	53. 13-R-0466	
20. 12-R-0459	54. 13-R-0467	
21. 13-R-0460	55. 13-R-0468	
22. 13-R-0443	56. 13-R-0469	
23. 13-R-0444	57. 13-R-0470	
24. 13-R-0445	ITEMS ADVERSED ON	
25. 13-R-0446	CONSENT	
26. 13-R-0447	58. 13-R-0471	
27. 13-R-0448	59. 13-R-0472	
28. 13-R-0449	60. 13-R-0473	
29. 13-R-0450	61. 13-R-0474	
30. 13-R-0452	62. 13-R-0475	
31. 13-R-0504	63. 13-R-0476	
32. 13-R-0419	64. 13-R-0477	
33. 13-R-0420	65. 13-R-0478	
34. 13-R-0421	66. 13-R-0479	