

13-R-3744  
 (Do Not Write Above This Line) #3199

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair Michael B  
 Referred To \_\_\_\_\_

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

A RESOLUTION

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE CITY OF ATLANTA IN THE CASE OF SHEILA NIXON-SCOTT v. CITY OF ATLANTA AND K&V METER AUTOMATION, CIVIL ACTION FILE NO. 12EV016121G, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$4,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Approved By:

Kim Patrick  
 Kim Patrick  
 Interim Deputy City Attorney

PSLA Committee  
 Date 11/12/13  
 Chair Michael B  
 Action Fav; Adv, Hold (see rev. side)  
 Other  
 Members [Signatures]  
 Refer To \_\_\_\_\_

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

CERTIFIED

CERTIFIED  
 NOV 18 2013

COUNCIL PRESIDENT PROTEM

CERTIFIED  
 NOV 18 2013  
Flora Dushkin Johnson  
 MUNICIPAL CLERK

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 ADOPTED BY  
 NOV 18 2013  
 COUNCIL  
 Refer To \_\_\_\_\_

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

MAYOR'S ACTION

APPROVED  
 NOV 27 2013  
 WITHOUT SIGNATURE  
 BY OPERATION OF LAW

Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_



CITY COUNCIL  
ATLANTA, GEORGIA

13-R-3744

# 3199

**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 SHEILA NIXON-SCOTT v. CITY OF ATLANTA AND K&V METER AUTOMATION, CIVIL ACTION FILE NO. 12EV016121G, PENDING IN FULTON COUNTY STATE COURT, IN THE AMOUNT OF \$4,000.00 (THE "SETTLEMENT AMOUNT"); AUTHORIZING THE SETTLEMENT AMOUNT TO BE CHARGED FROM FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.**

**WHEREAS, SHEILA NIXON-SCOTT v. CITY OF ATLANTA AND K&V METER AUTOMATION** is a lawsuit in which Plaintiff sought to recover damages from the City of Atlanta resulting from injuries allegedly sustained from stepping into a water meter hole with a displaced lid; and

**WHEREAS,** Plaintiff alleges that she has suffered serious bodily injury as a result of the City of Atlanta's maintenance of a dangerous and unsafe condition by their failure to properly maintain and replace the water meter cover; 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 claim is in excess of the Settlement Amount; and

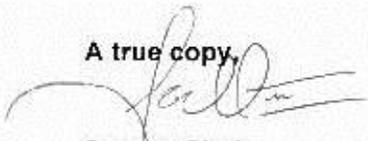
**WHEREAS,** the City Attorney considers it to be in the best interest of the City to pay the Settlement Amount to settle all claims against the City of Atlanta.

**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 **SHEILA NIXON-SCOTT v. CITY OF ATLANTA AND K&V METER AUTOMATION** in the amount of Four Thousand Dollars (**\$4,000.00**).

SECTION 2. The Chief Financial Officer is authorized to make payment from **FUND 5051 (WATER & WASTEWATER REVENUE FUND), CENTER NUMBER 170201 (DEPARTMENTAL); 5750002 (ACCOUNT), AND 4310000 (FUNCTIONAL ACTIVITY)**. Payment shall be in the form of a check in the amount of **\$4,000.00** payable to Sheila Nixon-Scott and her attorneys **Morgan & Morgan, PA, 191 Peachtree Street, NE, Suite 2400, Atlanta Georgia, 30303**. 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,  
  
Deputy Clerk

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

NOV 18, 2013  
NOV 27, 2013



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|                             |                             | 11-18-13                     |
|-----------------------------|-----------------------------|------------------------------|
| ITEMS ADOPTED ON<br>CONSENT | ITEMS ADOPTED ON<br>CONSENT | ITEMS ADVERSED<br>ON CONSENT |
| 1. 13-O-1243                | 32. 13-O-1380               | 62. 13-R-3752                |
| 2. 13-O-1355                | 33. 13-R-3767               | 63. 13-R-3753                |
| 3. 13-O-1357                | 34. 13-R-3737               | 64. 13-R-3754                |
| 4. 13-O-1358                | 35. 13-R-3738               | 65. 13-R-3755                |
| 5. 13-O-1359                | 36. 13-R-3739               | 66. 13-R-3756                |
| 6. 13-O-1346                | 37. 13-R-3740               | 67. 13-R-3757                |
| 7. 13-O-1347                | 38. 13-R-3741               | 68. 13-R-3758                |
| 8. 13-O-1348                | 39. 13-R-3762               | 69. 13-R-3759                |
| 9. 13-O-1349                | 40. 13-R-3763               | 70. 13-R-3760                |
| 10. 13-O-1350               | 41. 13-R-3764               | 71. 13-R-3761                |
| 11. 13-O-1351               | 42. 13-R-3765               |                              |
| 12. 13-O-1384               | 43. 13-R-3766               |                              |
| 13. 13-O-0030               | 44. 13-R-3543               |                              |
| 14. 13-O-1299               | 45. 13-R-3735               |                              |
| 15. 13-O-1337               | 46. 13-R-3734               |                              |
| 16. 13-O-1360               | 47. 13-R-3769               |                              |
| 17. 13-O-1361               | 48. 13-R-3770               |                              |
| 18. 13-O-1362               | 49. 13-R-3771               |                              |
| 19. 13-O-1370               | 50. 13-R-3772               |                              |
| 20. 13-O-1371               | 51. 13-R-3774               |                              |
| 21. 13-O-1372               | 52. 13-R-3775               |                              |
| 22. 13-O-1381               | 53. 13-R-3742               |                              |
| 23. 13-O-1382               | 54. 13-R-3744               |                              |
| 24. 13-O-1383               | 55. 13-R-3745               |                              |
| 25. 13-O-1315               | 56. 13-R-3746               |                              |
| 26. 13-O-1366               | 57. 13-R-3747               |                              |
| 27. 13-O-1367               | 58. 13-R-3748               |                              |
| 28. 13-O-1368               | 59. 13-R-3749               |                              |
| 29. 13-O-1374               | 60. 13-R-3750               |                              |
| 30. 13-O-1375               | 61. 13-R-3751               |                              |
| 31. 13-O-1379               |                             |                              |