

A RESOLUTION PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SETTLEMENT OF ALL CLAIMS FILED BY VIRENDRA J. KHAROD AGAINST THE CITY OF ATLANTA IN THE CASE OF VIRENDRA J. KHAROD V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 1:11-CV-01104-AJB, PENDING IN UNITED STATES DISTRICT COURT IN THE NORTHERN DISTRICT OF GEORGIA (ATLANTA DIVISION), IN THE AMOUNT OF \$290,000.00 (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.

Workflow List:

Kimberly Patrick	Completed	06/25/2014 9:42 AM
Finance	Completed	06/27/2014 8:57 AM
Office of Research and Policy Analysis	Completed	07/01/2014 3:10 PM
Public Safety & Legal Administration Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

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WHEREAS, VIRENDRA J. KHAROD V. CITY OF ATLANTA, is a lawsuit in which Plaintiff Virendra J. Kharod sought to recover damages from the City of Atlanta for alleged violations of Title VII and ADEA alleged to have occurred upon termination of Plaintiff under Reduction-In-Force terminations from the Department of Watershed Management; and

WHEREAS, Plaintiff alleges that a disproportionate number of foreign born employees in the Reduction-in-Force terminations; 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 against 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 VIRENDRA J. KHAROD V. CITY OF ATLANTA in the amount of Two Hundred Ninety Thousand Dollars (\$290,000.00).

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 distributed as follows: (1) a pre -tax or tax deferred deduction from the Settlement Amount in the amount of Thirty Seven Thousand Three Hundred Sixty Four Dollars and Fifty-Three Cents (\$37,364.53) toward employee pension contribution shall be withheld and remitted to the General Employees Pension Fund for the City of Atlanta; (2) check in the amount of Eighty Seven Thousand Dollars (\$87,000.00) made

payable to INDERMARK VAISHNAV, LLC representing Attorney's fees; and (3) check in the amount of One Hundred Sixty Five Thousand Six Hundred Thirty Five Dollars and Forty Seven Cents (\$165,635.47) made payable to Virendra J. Kharod, representing compensatory damages in the amount of Eight Three Thousand Dollars (\$83,000.00) and back wages in the amount of Eighty Two Thousand Six Hundred Thirty Five Dollars and Forty Seven Cents (\$82,635.47). Such payment shall be in full consideration of the dismissal of all claims made by Plaintiff Virendra J. Kharod against the City of Atlanta and its current and former officers and employees.