

14/62

18 - R - 3055

(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 DEFENDANTS IN THE MATTER OF KELLEY AND MATTHEW RODRIGUEZ v. BRIAN CARSWELL, ATLANTA POLICE DEPARTMENT, AND CITY OF ATLANTA, CIVIL ACTION FILE NUMBER 1:16-CV-03438-RWS, IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) (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 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

Deputy City Attorney

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1ST ADOPT 2ND READ & REFER
- ☐ PERSONAL PAPER REFER

ADOPTED BY
JAN 16 2018
COUNCIL

Date Referred
Referred To:
Date Referred
Referred To:
Date Referred:
Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee PSCA
Date 1/9/18
Chair [Signature]
Action _____
Fav, Adv, Hold (see rev. side) _____
Other _____
Members _____
Refer To _____

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

CERTIFIED
JAN 16 2018
ATLANTA CITY COUNCIL PRESIDENT
[Signature]
CERTIFIED
JAN 16 2018
[Signature]
MUNICIPAL CLERK

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

MAYOR'S ACTION

APPROVED
JAN 25 2018
WITHOUT SIGNATURE
BY OPERATION OF LAW

A RESOLUTION

17-R-_____

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS AGAINST THE DEFENDANTS IN THE MATTER OF KELLEY AND MATTHEW RODRIGUEZ v. BRIAN CARSWELL, ATLANTA POLICE DEPARTMENT, AND CITY OF ATLANTA, CIVIL ACTION FILE NUMBER 1:16-CV-03438-RWS, IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, IN THE AMOUNT OF TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) (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 1512000 (ACCOUNTING); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Plaintiffs Kelley and Matthew Rodriguez filed a lawsuit, KELLEY AND MATTHEW RODRIGUEZ v. BRIAN CARSWELL, ATLANTA POLICE DEPARTMENT, AND CITY OF ATLANTA, alleging that their civil rights were violated; and

WHEREAS, Plaintiffs have agreed to accept the Settlement Amount in full settlement of all claims against Defendants; and

WHEREAS, the City Attorney has done extensive review of the facts and the law and has determined that the City of Atlanta's ("City") potential financial exposure in defending Plaintiffs' claims is far 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.


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 settlement documents in the case of KELLEY AND MATTHEW RODRIGUEZ v. BRIAN CARSWELL, ATLANTA POLICE DEPARTMENT, AND CITY OF ATLANTA, Civil Action File Number 1:16-CV-03438-RWS, in the amount of Twenty-Five Thousand Dollars and Zero Cents (\$25,000.00).

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 1512000 (Accounting)**. Payment shall be in the form of a check in the amount of \$25,000.00 payable to Kelley and Matthew Rodriguez and



Michael R. Proctor. 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

JAN 16, 2018
JAN 25, 2018

**CITY COUNCIL
ATLANTA, GEORGIA**

01/16/2018

Atlanta City Council

ADOPTED

RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER: Dustin Hillis, Councilmember, District 9
SECONDER: JP Matzigkeit, Councilmember, District 8
AYES: Bond, Westmoreland, Dickens, Smith, Farokhi, Young Jr., Archibong, Ide, Shook, Matzigkeit, Hillis, Boone, Overstreet, Sheperd
ABSENT: Cleta Winslow

➤ VOTE RECORD - ORDINANCE 18-O-1032

<input checked="" type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	MICHAEL JULIAN BOND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MATT WESTMORELAND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDRE DICKENS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CARLA SMITH	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMIR R FAROKHI	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	IVORY LEE YOUNG JR.	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CLETA WINSLOW	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JENNIFER N IDE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JP MATZIGKEIT	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DUSTIN HILLIS	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L BOONE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARCI COLLIER OVERSTREET	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JOYCE M SHEPERD	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

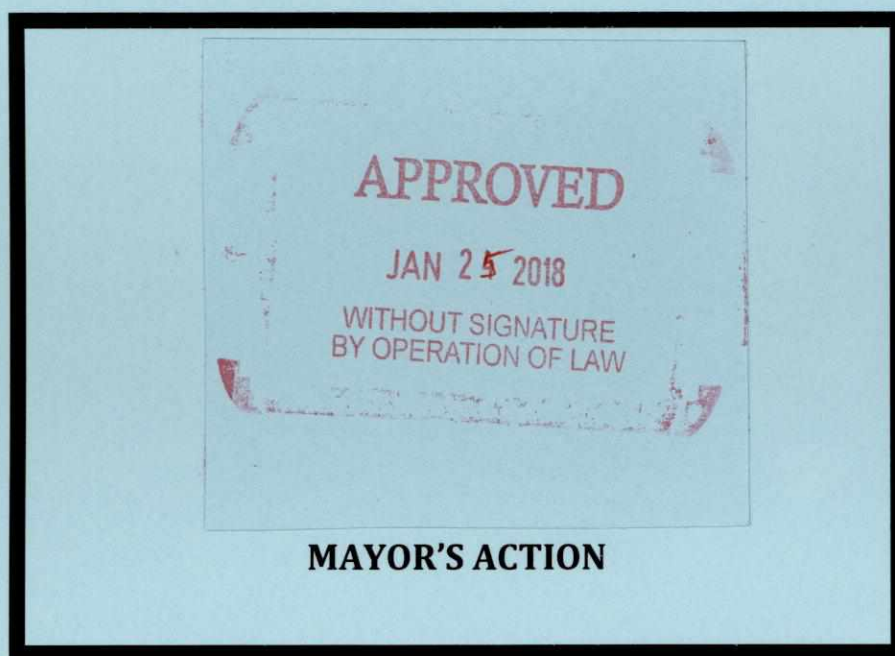
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		1-16-18
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	
1. 18-O-1032	43. 18-R-3038	
2. 18-R-3005	44. 18-R-3039	
3. 18-R-3062	45. 18-R-3040	
4. 18-R-3055	46. 18-R-3041	
5. 18-R-3056	47. 18-R-3042	
6. 18-R-3057	48. 18-R-3043	
7. 18-R-3058	49. 18-R-3044	
8. 18-R-3001	50. 18-R-3045	
9. 18-R-3002	51. 18-R-3046	
10. 18-R-3006	52. 18-R-3047	
11. 18-R-3007	53. 18-R-3048	
12. 18-R-3008	54. 18-R-3049	
13. 18-R-3010	55. 18-R-3050	
14. 18-R-3011	56. 18-R-3051	
15. 18-R-3012	57. 18-R-3052	
16. 18-R-3059	58. 18-R-3053	
17. 18-R-3064	59. 18-R-3054	
18. 18-R-3065		
19. 18-R-3014		
20. 18-R-3015		
21. 18-R-3016		
22. 18-R-3017		
23. 18-R-3018		
24. 18-R-3019		
25. 18-R-3020		
26. 18-R-3021		
27. 18-R-3022		
28. 18-R-3023		
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33. 18-R-3028		
34. 18-R-3029		
35. 18-R-3030		
36. 18-R-3031		
37. 18-R-3032		
38. 18-R-3033		
39. 18-R-3034		
40. 18-R-3035		
41. 18-R-3036		
42. 18-R-3037		



18 R 3055

**Adopted by the Atlanta City Council
January 16, 2018**



MAYOR'S ACTION