

A SUBSTITUTE RESOLUTION

01-R-0639

BY FINANCE/EXECUTIVE COMMITTEE

A RESOLUTION REQUESTING THAT THE EXECUTIVE BRANCH TAKE ALL NECESSARY STEPS TO INITIATE AND COMPLETE THE DEVELOPMENT, FINANCING AND CONSTRUCTION OF THE TRAFFIC COURT BUILDING; TO AUTHORIZE THE CITY ATTORNEY TO CONCLUDE ALL LITIGATION RELATED THERETO AND FOR OTHER PURPOSES.

WHEREAS, by ordinance No. 97-O-1690, adopted December 1, 1997 and approved December 5, 1997, the Chief Financial Officer was directed to establish a restricted account in the City's General Fund in the name of "The City Court of Atlanta Building Fund" and beginning January 2, 1998, "the monthly amount previously deposited into the various additional penalties and surcharges fund shall be deposited into the restricted account"; and

WHEREAS, said ordinance further required "that the amount deposited in the restricted account is to be reviewed by the Finance Department of the City of Atlanta six months after the initial deposit is made for the purpose of determining if the amount deposited projected over a 12 month period would be sufficient...to pay the annual lease payment under the proposed lease purchase agreement"; and

WHEREAS, the Chief Financial Officer established such a restricted account, deposited the funds therein and the Finance Department reviewed the amount deposited at the end of the six month period and determined that said amount projected over a 12 month period should be sufficient to pay an annual lease payment under the proposed lease purchase agreement; and

WHEREAS, the funds were deposited into said account in the amount of approximately \$4 million dollars per year for the years 1998 and 1999 totaling \$8 million dollars being held in said reserve account; and

WHEREAS, by Ordinance No. 99-O-2079, adopted February 7, 2000 and approved February 15, 2000 funds in the approximate amount of \$4 million dollars to be deposited into the debt service fund for a new Traffic Court Building were authorized to be utilized "to defray the expenses of the Police Department associated with enforcement of laws and ordinances relating to and regulating traffic" as allowed by Ga. L. 1996, p.627; and

WHEREAS, said Ordinance further authorized the Chief Financial Officer "to reinstate the accumulation of said funds/account for payment of principal and interest of the new Traffic Court building up to \$4 million effective upon the date required to accumulate enough funds to defray the cost of the annual principal and interest payment after the restricted reserve designated for the new Traffic Court building has been fully utilized for said purpose"; and

WHEREAS, between January 1, 2001 and March 31, 2001 the amount of funds credited to



said restricted account totaled \$1,599,761 creating a grand total of \$13,599,761 as the amount deposited and/or credited to said account since January 2, 1998; and

WHEREAS, the City issued an RFP for the development of the City Court Project; and

WHEREAS, responses were received from proponents; and

WHEREAS, on June 7, 2000, three of the City Court Judges filed a lawsuit against the City and its officials to assure that the funds deposited into the restricted reserve since January 2, 1998 were accounted for; and

WHEREAS, on March 28, 2001 an order was entered in the Superior Court of Fulton County upholding the claim of the City Court Judges; and

WHEREAS, the City has appealed said order to the Supreme Court of Georgia; and

WHEREAS, it is in the best interest of the City for the three plaintiff Traffic Court Judges to work cooperatively with the City administration and the Atlanta City Council in the resolution of all matters involving the construction of a new Traffic Court building; and

WHEREAS, the Council of the City of Atlanta wishes to move forward on the procurement steps necessary to procure the services and land required for the construction of a new Traffic Court Building in cooperation with the City Executive branch and all of the Atlanta Traffic Court Judges.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES AS FOLLOWS:

Section 1: The Bureau of Purchasing and Real Estate is requested to determine the appropriate procedures **including any necessary legislation** for securing the real estate, design and construction services required for a new Traffic Court Building **and to report same in writing to the City Council forthwith.**

Section 2: The Traffic Court Judges are requested to work with the Executive Branch toward a resolution of all **matters** involving the construction of a new Traffic Court Building up to and including agreeing on a joint request to the Superior Court judge in the below-referenced litigation for the vacating of the March 28, 2001 Order.

Section 3: Be it further resolved that the City Attorney is hereby authorized to resolve all legal issues consistent with this Resolution raised in Shafer, et al. v. City of Atlanta, et al., Civil Action No. 2000CV24140, Superior Court of Fulton County and City of Atlanta et al. v. Shafer, et al., SOIM1067, Supreme Court of Georgia.

Section 4: All resolutions or parts of resolutions in conflict herewith are hereby rescinded.

OMC – Amendment Incorporated by tcp 5-16-01

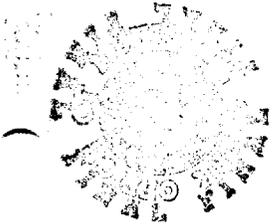
A true copy,


Municipal Clerk, CMC

ADOPTED as amended by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

MAY 07, 2001

MAY 16, 2001



RCS# 2850
5/07/01
6:45 PM

Atlanta City Council

Regular Session

01-R-0639

Mayor to initiate procurement steps &
construction for Traffic Court Building
ADOPT/SUB/AMEND

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y McCarty	Y Dorsey	NV Moore	Y Thomas
NV Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

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