



A RESOLUTION BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

01- R -1217

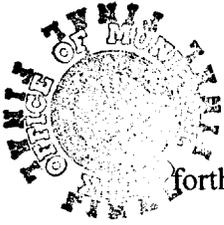
A RESOLUTION AUTHORIZING THE CITY
ATTORNEY TO DISMISS THE COUNTERCLAIM OF
THE CITY FOR THE PURPOSE OF SETTLING
THE CASE OF DEKALB COUNTY, GEORGIA, v. THE
CITY OF ATLANTA, IN THE SUPERIOR COURT OF
DEKALB COUNTY, AND FOR OTHER PURPOSES

WHEREAS, on February 4, 1998, DeKalb County initiated litigation against the City in the case of *DeKalb County, Georgia vs. The City of Atlanta*, in the Superior Court of DeKalb County, Civil Action File No. 98-2014, which litigation sought a determination of the amount due to the City of Atlanta from DeKalb County under Metropolitan Sewer Agreement of 1968, as amended from time to time, which agreement governs the use of the City of Atlanta wastewater system by DeKalb County and provides for the responsibilities of the parties with regard to usage and costs; and

WHEREAS, the City responded to the suit and filed a counterclaim against DeKalb County seeking to revise the Metropolitan Sewer Agreement so as to specify the obligations of the parties to enforce federal pretreatment regulations; and

WHEREAS, the City of Atlanta and DeKalb County executed a Third Amendment to the Metropolitan Sewer Agreement effective July 1, 1999, a copy of which is attached hereto; and

WHEREAS, the execution of the Third Amendment, though effective as of July 1, 1999, did not take place until June 12, 2001, due to the necessity of awaiting a new bond issue by DeKalb and the recalculation of sums due; and



WHEREAS, said Third Amendment, previously authorized by Council as set forth below, had the effect of settling the issues as to term and amount of contribution from DeKalb, the issues raised by DeKalb's complaint; and

WHEREAS, the City Council has authorized the Third Amendment, and thereby a settlement of all issues in the suit with DeKalb County other than the City's counterclaim, by Resolution No 98-R-1491 adopted on August 17, 1998, and approved by the Mayor on August 25, 1998, a copy of which is attached hereto as "Exhibit A to Third Amendment"; and

WHEREAS, said resolution approved a Consent Order entered on the 24th day of August, 1998, by the Hon. John Girardeau, Judge of the Superior Court of Hall County, sitting by designation for the Superior Court of DeKalb County, attached to the Resolution below, which Consent Order provided for a Third Amendment to the Metropolitan Sewer Agreement, and further provided that the parties should negotiate the terms of a settlement to the counterclaim of the City, which dealt with pretreatment obligations; and

WHEREAS, the parties have negotiated in good faith as to the pretreatment issues since the time of the previous resolution of Council, but have been awaiting word from the federal negotiators in other litigation on the text of the pretreatment language; and

WHEREAS, it now appears that the parties will be able to resolve the remaining issues as to pretreatment as soon as the federal negotiators turn their attention to these issues without the necessity of the intervention of the Superior Court; and

WHEREAS, the trial judge, the Hon. John Girardeau, has expressed to counsel his desire to conclude the present litigation, including the counterclaim of the City; and



WHEREAS, in the opinion of the Department of Public Works and the City Attorney, there is no necessity to continue the counterclaim pending, since the parties through their respective public works and legal departments have agreed to recommendations to make to Council and to the DeKalb Commission, subject to the approval of the federal government; and

WHEREAS, the dismissal of the City's counterclaim will be without prejudice to its being renewed, in the event that the City and DeKalb are unable to agree, or to ratify such agreement through their respective governing bodies:

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA:

Section 1: THAT the City Attorney is hereby authorized on behalf of the City of Atlanta to consent to the entry of a final order by the Superior Court of DeKalb County approving the dismissal with prejudice of the complaint by DeKalb County in the case of *DeKalb County, Georgia vs. The City of Atlanta*, Civil Action File No. 98-2014, in accordance with the terms of the Third Amendment to the Metropolitan Sewer Agreement attached hereto.

Section 2: THAT the City Attorney is further authorized on behalf of the City of Atlanta also to consent in said final order to the dismissal without prejudice of the counterclaim of the City.

Section 3: THAT all terms of previous resolutions on this subject, including Section 3 of Resolution No. 98-R-1491, are hereby modified accordingly.

A true copy,

Rhonda Daughkin Johnson
Municipal Clerk, CMC

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

AUG 06, 2001

AUG 15, 2001



Atlanta, Georgia
DeKalb County, Georgia
July 1, 1999

THIRD AMENDMENT TO METROPOLITAN SEWER AGREEMENT

Between the CITY OF ATLANTA and DEKALB COUNTY, GEORGIA

THIS THIRD AMENDMENT TO AGREEMENT, made and entered into effective the 1st day of July, 1999, by and between the CITY OF ATLANTA, a municipal corporation existing under the laws of the State of Georgia, and DEKALB COUNTY, a political subdivision of the State of Georgia

WITNESSETH THAT:

WHEREAS, on July 16, 1968, the City of Atlanta and DeKalb County entered into an agreement commonly called the Metropolitan Sewer Agreement, whereby the City of Atlanta agreed that it would provide sewage treatment services for a portion of the DeKalb sewer system at Atlanta's R.M. Clayton Plant in exchange for the payment by DeKalb of fees based upon the relative proportional usages of the parties, and whereby DeKalb agreed to pay a proportional amount of future requirements for capital improvements to the Plant; and

WHEREAS, the Metropolitan Sewer Agreement was thereafter amended twice by further agreement of the parties, the First Amendment thereto being entered into on January 20, 1977, and the Second Amendment thereto being entered into on August 3, 1987; and

WHEREAS, pursuant to said Agreement, as amended, the City of Atlanta gave notice to DeKalb County in 1997 that substantial further improvements were planned for the R.M. Clayton Plant, and that pursuant to the contract DeKalb's portion of the payment for the projected improvements was approximately \$156.6 million; and

WHEREAS, there arose a dispute between the parties as to the exact amount due from DeKalb County to the City of Atlanta, the exact capacity allocated to DeKalb County at the R.M. Clayton Plant and over the question of the length of the remaining term of the Metropolitan Sewer Agreement; and

WHEREAS, pursuant to a preliminary agreement of the parties DeKalb County advanced the sum of \$96.5 million in August, 1997, with the remainder to be agreed upon later; and

WHEREAS, litigation was commenced in the Superior Court of DeKalb County in the case styled *DeKalb County v. City of Atlanta*, Civil Action File No. 98-2014, concerning the matters recited above; and

WHEREAS, the City and County have agreed to resolve the issues of the remaining payments from DeKalb County, the exact capacity allocated to DeKalb County and the remaining term of the Metropolitan Sewer Agreement by their approval of a Consent Order entered in the



above case by Judge John E. Girardeau on July 24, 1998, a true copy of which Consent Order is attached hereto as part of Exhibit "A" described below, and made a part hereof by reference; and

WHEREAS, in Resolution No. 98-R-1491, adopted by the City Council of the City of Atlanta on August 17, 1998, and approved by the Mayor on August 25, 1998, a true copy of which Resolution is attached hereto as Exhibit "A" and made a part hereof by reference, the City of Atlanta ratified and approved the Consent Order as described above and authorized the execution of this Third Amendment to the Metropolitan Sewer Agreement; and

WHEREAS, in a Resolution adopted by the DeKalb County Commission on August 11, 1998, and approved by the Chief Executive Officer on August 14, 1998, a true copy of which Resolution is attached hereto as Exhibit "B" and made a part hereof by reference, DeKalb County ratified and approved the Consent Order set forth above and authorized the execution of this Third Amendment to the Metropolitan Sewer Agreement; and

WHEREAS, the terms of the Consent Order ratified by the City of Atlanta and DeKalb County provide that the two parties will execute this Third Amendment upon the issuance of bonds by DeKalb County, which issuance was concluded on or before July 1, 1999, the effective date of this Third Amendment; and

WHEREAS, pursuant to the terms of the Consent Order, DeKalb County paid over to the City of Atlanta an additional \$49 million on October 14, 1999, after the issuance of bonds, this sum representing the remaining net funded amount due in addition to the \$96.5 million paid in August, 1997, the net funded amount being determined by calculations made by the City of Atlanta Department of Finance; and

WHEREAS, the matters agreed to in this Third Amendment will resolve all issues raised by the complaint filed by DeKalb County in the said litigation, and will leave pending for further resolution the issues as to pretreatment raised by the City of Atlanta in its counterclaim in said litigation:

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE MUTUAL UNDERTAKINGS HEREIN SET FORTH, THE CITY OF ATLANTA AND DEKALB COUNTY, THE CONTRACTING PARTIES TO THIS THIRD AMENDMENT, AGREE AS FOLLOWS:

1. Term

Effective July 1, 1999, and for and in consideration of the Payment for Capital Improvements as set forth in Section 2 below, the Metropolitan Sewer Agreement, entered into on July 16, 1968, by and between the City of Atlanta, Georgia and DeKalb County, Georgia, and as amended on January 20, 1977, and August 3, 1987, is hereby amended so that the term of said Metropolitan Sewer Agreement as extended herein will now terminate thirty (30) years from and after said effective date. The term as now amended and extended will end at 12:00 o'clock p.m. (Midnight) at the official local time, on June 30, 2029.



2. Payment for Capital Improvements

For and in consideration of the extension of the term of the Metropolitan Sewer Agreement as set forth in Section 1 above, DeKalb County paid to the City of Atlanta on or about October 14, 1999 the sum of Forty Nine Million Dollars (\$49,000,000.00) in full payment of the remaining funds due from DeKalb County as its portion of the presently contemplated capital improvement costs under the Metropolitan Sewer Agreement for the R.M. Clayton Plant. DeKalb County's total payment of \$156.6 million has been comprised of \$96.5 million paid in August, 1997, plus interest accrued and accruing throughout the term of the Project as calculated by the City of Atlanta Department of Finance, and a final payment of \$49 million in October, 1999. Upon the making of this payment, DeKalb County became entitled to the capacity at the R.M. Clayton plant set forth in the Consent Order, as specified in Section 3 below.

3. Flow Capacities Available to DeKalb

Upon making the payments as recited in Section 2 above DeKalb has satisfied its obligations for the presently contemplated improvements to the R.M. Clayton plant which were the subject of the complaint by DeKalb County filed in the litigation referenced above. The parties agree that the flow capacities available to DeKalb are as shown in the table referred to in the Consent Order, which table is set forth below in this section. Expressed as a table, the design capacity for R.M. Clayton after the anticipated improvements, divided into "Average Daily Flow", "Maximum Month Daily Flow", and "Peak Wet Weather Flow" is:

R.M. CLAYTON FACILITY Reserve for DeKalb County in Millions of Gallons per Day (MGD)

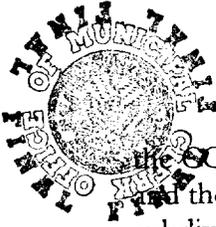
	Design Capacity	% Reserved for DeKalb	DeKalb MGD
Average Daily Flow:	103 MGD	48.54%	50 MGD
Maximum Month Daily Flow:	122 MGD	48.54%	59.23 MGD
Peak Wet Weather Flow:	240 MGD	48.54%	116.5 MGD

4. Full and Complete Settlement

The issues raised by said complaint are hereby settled and compromised by the parties. The counterclaim filed by the City of Atlanta in said case will remain pending for resolution by the parties or by the Court on a later occasion.

5. Reaffirmation

Except as amended herein, the Metropolitan Sewer Agreement, entered into on July 16, 1968, by and between the City of Atlanta, Georgia and DeKalb County, Georgia, and as amended on January 20, 1977, and August 3, 1987, is hereby ratified and reaffirmed.



IN WITNESS WHEREOF, the duly authorized officials of the CITY OF ATLANTA and the COUNTY OF DEKALB have respectively caused the names of the CITY OF ATLANTA and the COUNTY OF DEKALB and the seals of said municipal corporation and political subdivision and the signatures of the duly authorized executive officers to be affixed hereto as effective the 1st day of July, 1999.

CITY OF ATLANTA

By: *Am Campbell*
Mayor

ATTEST:
Rhonda Daughin Johnson
Municipal Clerk

RECOMMENDED:
Dewayne Mack
Chief Operating Officer

APPROVED AS TO INTENT:
David M. Jones 6/6/99
Commissioner of Public Works

APPROVED:
David Cole
Chief Financial Officer

APPROVED AS TO FORM:
[Signature]
City Attorney

Sr Asst

DEKALB COUNTY

By: *[Signature]* By Dir
Chief Executive Officer

ATTEST:
[Signature]
Ex-officio Clerk to the Chief Executive Officer and Board Of Commissioners

APPROVED AS TO INTENT:
[Signature]
Director, Department of Public Works

APPROVED AS TO FORM:
Jurianne H. Emmons
County Attorney
duyant.



DeKalb

RESOLUTION BY THE CITY UTILITIES COMMITTEE:

A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE A THIRD AMENDMENT TO THE 1968 METROPOLITAN SEWER AGREEMENT BETWEEN THE CITY OF ATLANTA AND DEKALB COUNTY; AND RATIFYING THE CONSENT ORDER ENTERED BY THE COURT IN THE CASE STYLED *DEKALB COUNTY V. CITY OF ATLANTA*, CIVIL ACTION FILE NO. 98-2014-9 IN THE SUPERIOR COURT OF DEKALB COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, on July 16, 1968, the City of Atlanta and DeKalb County entered into an agreement commonly called the Metropolitan Sewer Agreement, whereby the City of Atlanta agreed that it would provide sewage treatment services for a portion of the DeKalb sewer system at Atlanta's R.M. Clayton Plant in exchange for the payment by DeKalb of fees based upon the relative proportional usages of the parties, and whereby DeKalb agreed to pay a proportional amount of future requirements for capital improvements to the Plant; and

WHEREAS, the Metropolitan Sewer Agreement was thereafter amended twice by further agreement of the parties, the First Amendment thereto being entered into on January 20, 1977, and the Second Amendment thereto being entered into on August 3, 1987; and

WHEREAS, pursuant to said agreement, as amended, the City of Atlanta gave notice to DeKalb County in 1997 that substantial further improvements were planned for the R.M. Clayton Plant, and that pursuant to the contract DeKalb's portion of the payment for the projected improvements was approximately \$156.6 million; and

WHEREAS, in response to the notice from the City, DeKalb communicated its disagreement with the calculation of the amount due the City under the contract, and contended that the term of the contract should be extended to allow for the amortization of the bonds necessary to generate the sum required; and

WHEREAS, the City, by the enactment of Resolution 97-R-1298, adopted by Council on August 18, 1997, and approved by the Mayor on August 19, 1997, agreed to accept from DeKalb County a partial payment of \$96.5 million, with the remainder of the amount to be agreed upon by the parties before December 31, 1997, and paid by March 31, 1998; and

WHEREAS, the City and DeKalb were unable to reach agreement upon either the amount due or upon a term extension by the times specified in Resolution 97-R-1298; and



WHEREAS, during the course of ongoing discussions over the terms of the Sewer Agreement the City Attorney requested that DeKalb accede to additional contract language incorporating the pretreatment requirements of the Clean Water Act; and

WHEREAS, on February 4, 1998, DeKalb County filed a petition in the Superior Court of DeKalb County against the City in Civil Action File No. 98-2014, requesting that the Court declare the obligations between the parties, contending that the Court should grant DeKalb a fifty-year term (or an extension of thirty years on the original 1968 agreement) or in the alternative reduce the amount due and payable by DeKalb; and

WHEREAS, the City Attorney undertook the defense of the case and counterclaimed on behalf of the City against DeKalb, requesting the Court to declare the obligations of DeKalb to abide by pretreatment regulations; and

WHEREAS, thereafter the case was at the request of all counsel reassigned to a judge outside the Atlanta area, the Honorable John E. Girardeau of the Superior Court of Hall County, who set a hearing date in the matter of July 21, 1998; and

WHEREAS, during the course of depositions in preparation for the hearing, all counsel and the department heads of the public works departments of the City and DeKalb reached an understanding on proposals to resolve the matter which they believed were appropriate to submit to their respective governing bodies for approval, said proposals being memorialized in a Consent Order entered by Judge Girardeau subject to the ratification of the City Council and the DeKalb Commission, which Consent Order dated July 24, 1998, is attached to this Resolution as Exhibit A and made a part hereof; and

WHEREAS, in the opinion of the Commissioner of Public Works and the City Attorney, the terms of the Consent Order represent a fair and equitable solution to the questions of payment and extension of the Sewer Agreement, since it calls for DeKalb to pay the entire balance of the amount claimed due by the City (approximately \$60.1 million) and provides for a ten-year extension of the term of the Metropolitan Sewer Agreement, leaving the question of pretreatment to be negotiated between the parties over a four-month period and presented to the governing bodies at a later time; and

WHEREAS, the solution proposed in the Consent Order will result in the City's receiving the balance of the money needed for capital improvements at R.M. Clayton in sufficient time for them to be utilized as needed, and will allow DeKalb to have the Sewer Agreement in effect for the thirty-year amortization period required for the additional bond issue DeKalb will make:

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

Section 1: THAT the Consent Order signed by the Hon. John E. Girardeau, Judge of Superior



Courts, on July 24, 1998, in the case styled *DeKalb County v. City of Atlanta*, Civil Action File No. 98-2014 in the Superior Court of DeKalb County, a copy of which is attached hereto as Exhibit A, be, and the same hereby is, ratified and affirmed by and on behalf of the City of Atlanta.

Section 2: THAT the Mayor is authorized on behalf of the City of Atlanta to execute an appropriate Third Amendment to the Metropolitan Sewer Agreement between the City of Atlanta and DeKalb County, after approval by the City Attorney as to form, carrying into effect the terms of the Consent Order and extending the term of said Metropolitan Sewer Agreement so that the term as then extended will end thirty years from and after the date of issuance of the bonds by DeKalb County, which issuance is anticipated to take place by December 31, 1998.

Section 3: THAT the City Attorney in consultation with the Commissioner of Public Works is directed to negotiate with counsel for DeKalb County to reach a proposed agreement on the pretreatment issues and submit such proposed agreement in the form of a proposed Fourth Amendment to the Metropolitan Sewer Agreement for approval by Council so that it may be concluded within the time period set by the Court in the Consent Order.

Section 4: THAT to the extent the provisions of this resolution are in conflict with the previous Resolution 97-R-1298, such conflict is waived, and the provisions of this resolution will control.

98-R-

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the City
APPROVED by the Mayor

August 17, 1998

August 25, 1998

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA



DEKALB COUNTY,
Georgia,
Plaintiff

v.

CITY OF ATLANTA,
Georgia,
Defendant.

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CIVIL ACTION FILE
NO. 98-2014-9

CONSENT ORDER

The above-styled case having come before the Court for a scheduled non-jury trial and counsel for the parties having represented to the Court that they have been successful in resolving most of the issues presented by this case, subject to ratification and approval by their respective government bodies. The Court hereby enters the following Order pursuant to consent and request of both parties:

The MGD (million gallon per day) design capacity and the percentage reserve for DeKalb, as well as the gross number of MGD allocated to DeKalb is agreed to be as set forth in the chart at the top of page 3 of Defendant's reply brief. A copy of said chart is attached as Exhibit A to this Order. The term of the Metropolitan Sewer Agreement is and will hereby be extended for approximately 10 years so that it will match the length or term of DeKalb's bond funding. It's anticipated by the parties that DeKalb will issue a bond sometime during the remainder of '98, and the Metropolitan Sewer Agreement will extend for 30 years from that date. This agreement of the parties will have the effect of adding an additional 10 years to the approximately 20 years remaining onto the existing term of the Metropolitan Sewer Agreement.

EXHIBIT A, page 1 of 5



DeKalb will pay for the improvements to be done at the Clayton facility the net funded sum of \$156.6 million. On August 27, 1997, DeKalb paid exactly \$96.5 million to the City of Atlanta toward the improvements to be done at the Clayton facility which is the subject matter of this litigation. Election of payment method and payment has been timely made by DeKalb. DeKalb shall remit the remainder of the net funds due upon the funding of its water and sewer bond issue to be scheduled for later this year or early in 1999. In the event there is an adjustment made in the amount due under the contract that is currently estimated at a total amount net funded from DeKalb of \$156.6 million, that adjustment will be made within the terms and pursuant to the Metropolitan Sewer Agreement.

All of the foregoing portions of this Consent Order are subject to the approval and ratification by the governing bodies of the City of Atlanta and DeKalb County. The parties shall place this Consent Order on the agenda for action at the first regularly scheduled meeting of their respective governing bodies in August, 1998. Counsel for the parties are ordered to report to the Court by letter no later than August 21, 1998, the action taken by their client. Should either party fail to approve and ratify this Consent Order, the Court will hold a hearing on these issues and enter such order and judgment as is shown by the evidence submitted.

In relation to Defendant's claim for reformation of the Metropolitan Sewer Agreement to incorporate the Clean Water Act, the parties are ordered to negotiate in good faith to reach a resolution on the pre-treatment issue as mandated by the Clean Water Act. The parties have a four-month period of time from the date of this Consent Order in which to negotiate a resolution of the pre-treatment issue. If this issue can be resolved by agreement, then that agreement will be made part of the order of this Court and would result in an amendment to the Metropolitan Sewer



Agreement related to pre-treatment standards as mandated under the Clean Water Act. In the event the parties are unable to reach an agreement as to pre-treatment or in the event that the parties are able to reach agreement but unable to obtain ratification by their respective government bodies, this Court will retain jurisdiction to decide that issue. Neither party has waived any rights, defenses, or claims that it has or that are in existence related to the Clean Water Act in general or to the pre-treatment issue specifically. In such event, the parties shall be entitled to present such evidence, proof, and claims as they have as to the applicability and interpretation of the Clean Water Act and how, if at all, it should be incorporated into and made a part of the existing Metropolitan Sewer Agreement.

SO ORDERED, this the 27th day of July, 1998.

Hon. John E. Girardeau
Judge by special designation
DeKalb Superior Court

Consented to:

Dana B. Miles
Miles & Reese, LLC
Attorneys for Plaintiff DeKalb County

Jonathan A. Weintraub
DeKalb County Attorney



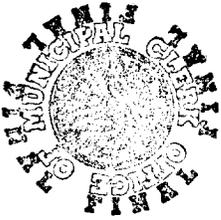
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Rendric E. Smith
Steph I. Mills
Soo Jo
Attorneys for Defendant City of Atlanta

R.M. CLAYTON FACILITY



	Design Capacity	% Reserved for DeKalb	DeKalb MGD
Average Daily Flow:	103 MGD	48.54%	50 MGD
Maximum Month Daily Flow:	122 MGD	48.54%	59.23 MGD
Peak Wet Weather Flow:	240 MGD	48.54%	116.5 MGD



RCS# 548
8/17/98
3:23 PM

Atlanta City Council

Regular Session

98-R-1491

AUTHORIZE MAYOR TO EXECUTE A THIRD
AMENDMENT TO THE 1968 METRO. SEWER AGRE.
ADOPT

YEAS: 8
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 2

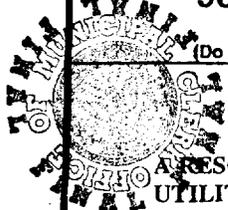
NV McCarty	E Dorsey	N Moore	Y Thomas
B Starnes	B Woolard	NV Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	N Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

98-R-1491

Val Cobb

98-K-1491

(Do Not Write Above This Line)



A RESOLUTION BY THE CITY UTILITIES COMMITTEE:

A RESOLUTION AUTHORIZING THE MAYOR ON BEHALF OF THE CITY OF ATLANTA TO EXECUTE A THIRD AMENDMENT TO THE 1968 METROPOLITAN SEWER AGREEMENT BETWEEN THE CITY OF ATLANTA AND DEKALB COUNTY; AND RATIFYING THE CONSENT ORDER ENTERED BY THE COURT IN THE CASE STYLED DEKALB COUNTY V. CITY OF ATLANTA, CIVIL ACTION FILE NO. 98-2014-9 IN THE SUPERIOR COURT OF DEKALB COUNTY; AND FOR OTHER PURPOSES.

APPROVED BY: *[Signature]*
CITY ATTORNEY
ADOPTED BY
AUG 17 1998
COUNCIL
APPROVED BY: *[Signature]*
COMMISSIONER
PUBLIC WORKS

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

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Refer to _____

Committee

City Utilities
Date *8/11/98*
Chair *Clair Muller*

Action:
Fav, Adv, Held (see rev. side)
Other:

Members

[Signatures]

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side)
Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side).
Other:

Members

Refer To

Committee

Date

Chair

Action:
Fav, Adv, Held (see rev. side)
Other:

Members

Refer To

COUNCIL ACTION

- 2nd
 - 1st & 2nd
 - 3rd
- Readings
- Consent
 - V Vote
 - RC Vol

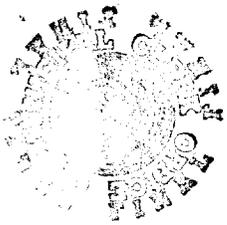
CERTIFIED

CERTIFIED
AUG 17 1998
ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
AUG 03 1998
[Signature]
MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]



CONFIDENTIAL
EXECUTIVE SESSION MINUTES

August 11, 1998 Item 1 of 2

PRESENT:

PRESENT:

- CEO LEVETAN
- COMMISSIONER BOYER
- COMMISSIONER BROWN
- COMMISSIONER DAVIS
- COMMISSIONER SANFORD, III
- COMMISSIONER SCOTT
- COMMISSIONER WALLDORFF
- COMMISSIONER YATES

- EXECUTIVE ASSISTANT CRIDER
- CLERK MICHAEL BELL
- COUNTY ATTORNEY WEINTRAUB
- ASST. CO. ATTY. LINDA DUNLAVY
- JEAN G. SILVEY
- BARBARA H. SANDERS
- TOM BLACK
- RICK DANIEL
- MARGARET HOWSE

MEETING CALLED AT 12:28 P.M. TO DISCUSS:

- PENDING OR POTENTIAL LITIGATION
- ACQUISITION OF REAL PROPERTY
- PERSONNEL MATTER
- TAX MATTER

RE: DeKalb County vs. City of Atlanta
(R. M. Clayton Plant)

RE:
RE:
RE:

MOTION was made by Commissioner Davis, seconded by Commissioner Scott, and passed 7-0-0, to convene an Executive Session for the purpose of discussing pending or potential litigation.

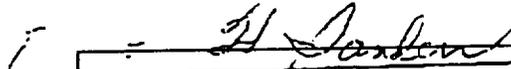
ACTION:

MOTION was made by Commissioner Davis, seconded by Commissioner Sanford, and passed 5-0-0-2 to accept and ratify the Consent Order and to go forward with the Metropolitan Sewer Agreement. Commissioner Boyer and Commissioner Yates opposed.

OTHER DISCUSSION/DIRECTIONS:

County Attorney Jonathan Weintraub presented a summary of the Consent Order outlining the funding of \$156 million of which \$96 million has already been paid. He explained that DeKalb County would issue a bond during 1998 or early 1999. He commented that the first amendment to the Metropolitan Sewer Agreement calls for the County receiving 48% capacity of the plant. The Clean Water Act issue can be talked about at a later date. Mr. Weintraub requested that the Board approve and ratify the Consent Order.

MINUTES RECORDED BY:


Barbara H. Sanders
EXHIBIT B to Third Amendment - 2 pages

APPROVED AS TO FORM:


County Attorney

Approved by the Board of Commissioners on _____



Business Item

Item No. 1

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ADOPTED: AUG 11 1998
(DATE)

CERTIFIED: AUG 11 1998
(DATE)

[Signature]
PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS

[Signature]
CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED: AUG 10 1998
(DATE)

VETOED: _____
(DATE)

[Signature]
CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

CHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED: _____

Zoning Item

Item No.

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ADOPTED: _____
(DATE)

CERTIFIED: _____
(DATE)

PRESIDING OFFICER
DEKALB COUNTY BOARD OF COMMISSIONERS

CLERK,
DEKALB COUNTY BOARD
OF COMMISSIONERS

EXHIBIT B to Third Amendment - 2 pages

RCS# 3064
8/06/01
5:59 PM

Atlanta City Council

Regular Session

01-R-1217 Dismiss Counterclaim to settle case of
 DeKalb County v. City of Atlanta
 ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

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

01-R-1217

(Do Not Write Above This Line)

A RESOLUTION BY THE PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO DISMISS THE COUNTERCLAIM OF THE CITY FOR THE PURPOSE OF SETTLING THE CASE OF DEKALB COUNTY, GEORGIA, V. THE CITY OF ATLANTA, IN THE SUPERIOR COURT OF DEKALB COUNTY, AND FOR OTHER PURPOSES.

APPROVED BY:

Rosalind Rubens Newell, ROSALIND RUBENS NEWELL, DEPUTY CITY ATTORNEY

ADOPTED BY AUG 06 2001 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

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

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

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

CERTIFIED

CERTIFIED AUG 6 2001

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED AUG 06 2001

Municipal Clerk

MAYOR'S ACTION

APPROVED

AUG 15 2001

WITHOUT SIGNATURE BY OPERATION OF LAW

Removed from agenda by Moore 8/1/01