

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE INTERIM CITY ATTORNEY TO ENGAGE OUTSIDE COUNSEL FOR THE PURPOSE OF PROVIDING REPRESENTATION, PURSUANT TO CODE OF ORDINANCES SECTION 2-783(G), TO A DEFENDANT IN THE MATTER OF ELIZABETH KANE V. CITY OF ATLANTA, MAYOR SHIRELY FRANKLIN AND JACQUELINE BENNETT, CIVIL ACTION FILE NO. 2002-CV-50502 PENDING IN THE SUPERIOR COURT OF FULTON COUNTY; TO AUTHORIZE THE PAYMENT OF ATTORNEY'S FEES IN AN AMOUNT NOT TO EXCEED \$25,000, TO RESCIND CONFLICTING RESOLUTION AND FOR OTHER PURPOSES.

02-R-0695

WHEREAS, a lawsuit was filed in the matter of *Elizabeth Kane v. the City of Atlanta, Mayor Shirley Franklin and Jacqueline Bennett*, which is now pending in the Superior Court of Fulton County as Civil Action File No 2002-cv-50502; and

WHEREAS, the lawsuit seeks to overturn the Plaintiff's conviction under the City's Housing Code and challenges the authority of Jacqueline Bennett to sit as a judge *pro hac vice* in the City of Atlanta Municipal Court; and

WHEREAS, Judge Bennett is a co-defendant with the City in the above-styled case; and

WHEREAS, on March 22, 2002, the Mayor released Judge Bennett from any further duties in the City of Atlanta Municipal Court; and

WHEREAS, having provided certain legal advice to the Mayor, the City Attorney's Office has an ethical conflict which prevents the office from providing Judge Bennett's representation in the above-styled case; and

WHEREAS, it is in the best interests of the City to provide a defense to Judge Bennett inasmuch as she was in the performance of her official duties as a judge *pro hac vice* at the time of the Plaintiff's trial and conviction; and

WHEREAS, City of Atlanta Code of Ordinances Section 2-783(g) authorizes the City Attorney to provide alternative representation at the expense of the City to an employee when such a conflict arises.



THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES that the Interim City Attorney be and is authorized to engage outside counsel to represent Jacqueline Bennett in the matter of *Elizabeth Kane v. the City of Atlanta, Mayor Shirley Franklin and Jacqueline Bennett*, which is now pending in the Superior Court of Fulton County as Civil Action File No. 2002-cv-50502.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and is authorized to pay invoices related to that representation, upon presentation and approval by the Interim City Attorney, in an amount not to exceed \$25,000 to be expended from Fund Account Center No. 1A101-529017-T31001.

BE IT FINALLY RESOLVED that all resolutions in conflict herewith are hereby rescinded.

A true copy,

Plonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

APR 10, 2002
APR 10, 2002

RCS# 3692
4/10/02
12:32 PM

Atlanta City Council

Regular Session

02-R-0695

Outside Counsel Re. Kane v. Atlanta
Mayor & Bennett; not to exceed \$25,000
ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 2

Y Smith	B Archibong	Y Moore	B Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Boazman	NV Woolard

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(Do Not Write Above This Line)

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Approved: Roxell R. Howell

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

ADOPTED BY APR 10 2002 COUNCIL

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

PSLA

Date 4-9-02

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 APR 10 2002

ATLANTA CITY COUNCIL PRESIDENT

Catherine W. Woodard

CERTIFIED APR 10 2002

Roxell R. Howell
MUNICIPAL CLERK

MAYOR'S ACTION

ADOPTED APR 10 2002

MAYOR