

02-O-1577

**AN ORDINANCE BY COMMITTEE ON COUNCIL
AS AMENDED BY FULL COUNCIL**

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH FULTON COUNTY TO CONDUCT A SPECIAL ELECTION FOR THE CITY OF ATLANTA TO BE HELD ON NOVEMBER 5, 2002 TO FILL THE VACATED ATLANTA BOARD OF EDUCATION DISTRICT SEAT 1, TO APPOINT AS MUNICIPAL ELECTION SUPERINTENDENT THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS WITH THE DIRECTOR OF THE FULTON COUNTY DEPARTMENT OF REGISTRATION AND ELECTIONS ACTING AS ITS AGENT FOR THE PURPOSE OF CONDUCTING SAID ELECTION, AND FOR OTHER PURPOSES.

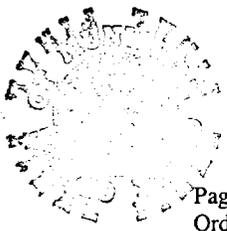
WHEREAS, in accordance with Section 21-2-45 (c)(2) of the State of Georgia Elections Code, the City of Atlanta may authorize Fulton County by ordinance to conduct elections and to perform any and all functions, as outlined in said code section and as required by such an election; and

WHEREAS, the City of Atlanta wishes to enter into a contract with Fulton County to conduct a Special Election for the City of Atlanta; and

WHEREAS, the governing authority of the City in accordance with Section 21-2-70.1(b) of the State of Georgia Elections Code shall appoint a municipal election superintendent in a public meeting and the appointment shall be recorded in the minutes of said meeting.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That a special election to fill the vacated Atlanta Board of Education District 1 Seat, has been called to be held in the City of Atlanta in conjunction with the state-wide General Election on November 5, 2002, by authority of Substitute Ordinance 02-O-1264.



SECTION 2: That the Mayor be and is hereby authorized to execute an appropriate contractual agreement with Fulton County to conduct said Special Election in conjunction with the state-wide General Election to be held on November 5, 2002.

SECTION 3: That the governing authority of the City, the Atlanta City Council, in accordance with Section 21-2-70.1(b) of the State of Georgia Elections Code does hereby appoint as Municipal Election Superintendent the Fulton County Board of Registration and Elections with the Director of the Fulton County Department of Registration and Elections acting as its agent as the Municipal Election Superintendent for the purpose of conducting the 2002 City of Atlanta Special Election to be held in conjunction with the state-wide General Election on November 5, 2002, and that said appointment shall be recorded in the minutes of the Council's meeting, whereby this ordinance is adopted.

SECTION 4: *That Fulton County has submitted a projected cost to conduct the Special Election for the City of Atlanta, in conjunction with the General Election, as shown in the form attached hereto identified as Exhibit A.*

SECTION 5: *That the City shall pay to Fulton County in an amount not to exceed \$1,500.00 to be paid and charged from Account Center Number 1A01 561001 T3001.*

SECTION 6: That the City Attorney be and is hereby directed to prepare an appropriate contract with Fulton County for execution by the Mayor, in substantially the form attached hereto identified as Exhibit B, and to be approved by the City Attorney as to final form.

SECTION 7: That the contract with Fulton County shall not become binding on the City and the City shall incur no liability upon same until such contract has been signed by the Mayor and delivered to the contracting party.

SECTION 8: That should any part of this ordinance be declared unconstitutional or unenforceable in a court of law, that it shall be severed from this ordinance and all such parts not declared unconstitutional or unenforceable shall remain in full force and effect.

SECTION 9: That all ordinances and parts of ordinances in conflict herewith be and are here by repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED as amended by the Council
APPROVED by the Mayor

SEP 16, 2002
SEP 24, 2002



GEORGIA

FULTON COUNTY:

THIS AGREEMENT entered into between the **City of Atlanta**, a municipal corporation lying wholly or partially within the County of Fulton, Georgia, hereinafter referred to as "City," and **Fulton County**, a political subdivision of the State of Georgia hereinafter referred to as "County."

WHEREAS, the City in the performance of its governmental functions will hold the City of Atlanta Special Election on November 5, 2002, (the "Election") ; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly Section 21-2-45(c) of the Official Code of Georgia, Annotated, City may by ordinance authorize County to conduct such election and City has heretofore adopted such an ordinance:

NOW, THEREFORE, in consideration of the premises it is hereby agreed as follows:

1.

This Agreement shall govern the obligations of the parties in the conduct of the Election.

2.

The Fulton County Board of Registration and Elections shall operate as the "Superintendent" of the aforementioned election and shall perform any and all functions of the City or any of its officials in connection with the conduct of such election, except as hereinafter provided.

3.

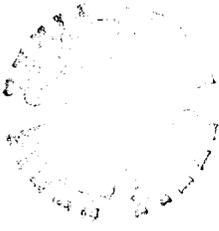
In the event that costs are incurred in excess of the cost of conducting the State-wide General Election, as a direct result of the City of Atlanta Special Election, the City agrees to pay such costs up to the amount of \$1,500.00 and shall remit said funds to County within 30 days of receipt of the statement of charges for this election.

4.

All legal services and defenses of litigation required by any Board or person arising from the Election under this Agreement shall be furnished by the City Attorney. Should the City Attorney for any reason fail to provide the legal services referred to in this paragraph, the Superintendent shall have authority to engage the Fulton County Legal Department at the reasonable expense of the City, which shall not exceed the cost to the County; provided, however, that all requests for legal assistance by the County from the City Attorney to provide such service shall be communicated in writing before the City will be obligated to pay for legal services under this paragraph; provided, further, that the failure of the City Attorney's office to respond to a request made hereunder, within a reasonable time, shall be deemed to be a refusal to furnish such services. County shall notify City in writing of its determination that the City has failed to respond as contemplated herein above before incurring legal fees on its own behalf for which the City shall be responsible.

5.

No term of this contract shall limit the obligations of the Superintendent to take any steps required by Georgia Election Code and the Rules of the State Election Board and the Charter and Code of Ordinances of the City of Atlanta.



6.

Should it be necessary to comply with legal requirements that any of the County's personnel shall be sworn in as a temporary officer or employee of the City, such formality shall be observed without limitation.

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals pursuant to resolutions or ordinances of their governing bodies duly adopted and entered on the Minutes thereof.

CITY OF ATLANTA

Mayor

Attest: _____
Municipal Clerk

Approved as to Form

Approved

City Attorney

Chief Financial Officer

FULTON COUNTY

Chairman, Board of Commissioners

Attest: _____
Clerk to Commission

Approved as to Form

Approved

County Attorney

Board of Registration and Elections

RCS# 4024
9/16/02
5:33 PM

Atlanta City Council

Regular Session

02-O-1577

Enter Contract with Fulton Co. to
Conduct Nov. 5th Special Election
ADOPT AS AMEND

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 1

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

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02-0-1577
 (Do Not Write Above This Line)

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AS RECOMMENDED
 ADOPTED BY
 SEP 16 2002

COUNCIL

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

Date Referred 9/3/02
 Referred To: Committee on Council
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

First Reading
 Committee Committee on Council
 Date 9/3/02
 Chair [Signature]
 Referred To _____

Committee CC

Date 9-16-02

Chair [Signature]

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

SEP 16 2002
 [Stamp]

SEP 16 2002
 [Stamp]

SEP 16 2002
 [Stamp]

MAYOR'S ACTION

SEP 24 2002
 [Signature]
 MAYOR