

A RESOLUTION

03-R-0044

BY

*Caesar C. Mitchell*

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH FULTON COUNTY WHEREBY THE CITY WILL LOAN ONE SIXTY (60) PASSENGER PRISONER BUS TO THE COUNTY FOR A TERM NOT TO EXCEED JUNE 30, 2003.**

**WHEREAS**, the City, intends to streamline its operation of jail and court services such that persons arrested within the municipal limits of the City of Atlanta by the City of Atlanta Police Department for violation of state offenses will be taken to the Fulton County jail; and

**WHEREAS**, First Appearance hearings for such Arrestees will be conducted by State Courts with jurisdiction in Fulton County; and

**WHEREAS**, this change in procedure will require certain adjustments in Fulton County's processing of arrestees; and

**WHEREAS**, to facilitate the transition of jail and court services, the County has requested and the City is willing to loan one sixty (60) passenger prisoner bus to the County for inter-facility transfer of prisoners to medical facilities, correctional facilities, pre-trial detention facilities, and the courts for a period of up to six months.

**NOW THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES** as follows:

**Section 1:** The Mayor is authorized to execute the Intergovernmental Agreement, attached hereto as Exhibit A, between the City of Atlanta and Fulton County.

**Section 2:** Said Intergovernmental Agreement will terminate no later than June 30, 2003.

A true copy,

*Shonda Daughin Johnson*  
Municipal Clerk, CME

ADOPTED by the Council  
APPROVED by the Mayor

JAN 06, 2003  
JAN 08, 2003



## EXHIBIT A

### INTERGOVERNMENTAL AGREEMENT

**THIS AGREEMENT**, entered into between the City of Atlanta, a municipal corporation lying 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".

#### **WITNESSETH:**

**WHEREAS**, the City, intends to streamline its operation of jail and court services such that persons arrested within the municipal limits of the City of Atlanta by the City of Atlanta Police Department for violation of state offenses will be taken to the Fulton County jail; and

**WHEREAS**, First Appearance hearings for such Arrestees will be conducted by State Courts with jurisdiction in Fulton County; and

**WHEREAS**, this change in procedure will require certain adjustments in Fulton County's processing of arrestees; and

**WHEREAS**, to facilitate the transition of jail and court services the County has requested and the City is willing to loan one sixty (60) passenger prisoner bus to the County for period of up to six months.

**NOW, THEREFORE**, pursuant to Article IX, Section III, Paragraph I of the Georgia Constitution and in consideration of ten dollars (\$10.00) it is hereby agreed as follows:

1.

This Agreement shall govern the temporary use by the County of one sixty (60) passenger prisoner bus owned by the City (the "Bus").

2.

The County will use the Bus for the purpose of inter-facility transfer of prisoners to hospitals, other health facilities, correctional facilities, pre-trial detention facilities, and various courts.

3.

The County will garage the Bus in a safe and secure manner so as to prevent damage by vandalism, theft, or weather.



4.

The County will allow only an appropriately licensed County employee to operate the bus for the purposes set forth in paragraph 2, above.

5.

The County will cause proper maintenance procedures to be performed during the term of this Agreement so as to ensure that the Bus is returned to the City in substantially the same condition as when loaned, except for normal wear and tear.

6.

The City shall not be responsible for any liability that may result from the County's use of the Bus for the transport of prisoners.

7.

The County agrees to indemnify the City against any and all claims that may arise as a result of the County's use of the bus and/or the negligence or willful misconduct of its employees.

8.

This Agreement shall remain in effect from the date of execution until June 30, 2003 or unless terminated sooner by mutual agreement of the parties.

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

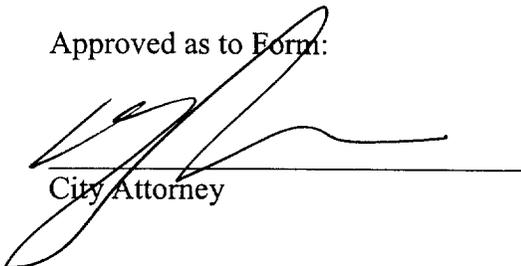
**CITY OF ATLANTA**

(seal)

  
\_\_\_\_\_  
Mayor

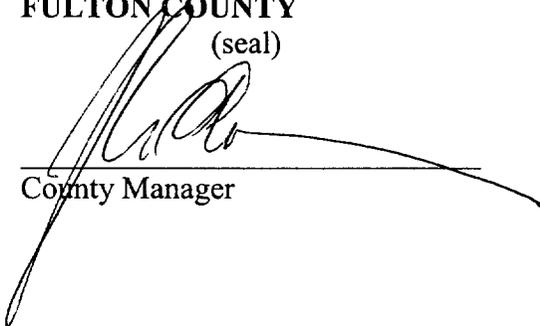
Attest:   
\_\_\_\_\_  
Municipal Clerk

Approved as to Form:

  
\_\_\_\_\_  
City Attorney



**FULTON COUNTY**  
(seal)

  
County Manager

Attest:   
County Clerk

Approved as to Form:

  
County Attorney

ITEM # 03-0132 . RCM 1/15/03 . A.M. - RECESS MEETING

RCS# 4373  
1/06/03  
5:26 PM

Atlanta City Council

Regular Session

RESOLUTION            Intergovt'l Agreement with Fulton Co.  
                              for Loan of City Passenger Bus  
  ADOPT

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

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

RESOLUTION

(Do Not Write Above This Line)

03-R-0044

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH FULTON COUNTY WHEREBY THE CITY WILL LOAN ONE SIXTY (60) PASSENGER PRISONER BUS TO THE COUNTY FOR A TERM NOT TO EXCEED JUNE 30, 2003.

APPROVED: *Linda K. DiSantis*  
LINDA K. DI SANTIS  
CITY ATTORNEY

ADOPTED BY  
*Adopted*  
16 JAN 06 2003

- CONSENT REFER TO *Full Council*
- REGULAR REPORT REFER TO **COUNCIL**
- 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 \_\_\_\_\_

Committee

Date \_\_\_\_\_

Chair \_\_\_\_\_

Action Fav, Adv, Hold (see rev. side) \_\_\_\_\_

Other \_\_\_\_\_

Members \_\_\_\_\_

Refer To

Refer To

Committee

Committee

Date

Date

Chair

Chair

Action

Action

Fav, Adv, Hold (see rev. side) \_\_\_\_\_

Other \_\_\_\_\_

Fav, Adv, Hold (see rev. side) \_\_\_\_\_

Other \_\_\_\_\_

Members

Members

Refer To

Refer To

FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd

Readings

Consent  V Vote  RC Vote

CERTIFIED

CERTIFIED

JAN 06 2003

ATLANTA CITY COUNCIL PRESIDENT  
*Patricia W. Hubbard*

CERTIFIED

JAN 06 2003

*Paul Douglas Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

*Marty Ray & Frank*  
MAYOR