



**A RESOLUTION**

**03- R -0032**

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRM OF SMITH, GAMBRELL & RUSSELL, LLP TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH MATTERS PERTAINING TO PROPERTY TAXES ASSESSED BY CLAYTON COUNTY, GEORGIA UPON PROPERTIES AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT LOCATED IN CLAYTON COUNTY; TO AUTHORIZE EXPENDITURE FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$100,000.00, TO BE PAID FROM FUND ACCOUNT AND CENTER NUMBER 2H01 524001 H11001; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (the “City”) owns and operates Hartsfield Atlanta International Airport (the “Airport”), the majority of which is located in Clayton County, Georgia; and

**WHEREAS**, Clayton County has declared certain parcels at the Airport to be of a taxable nature and has assessed property taxes against these parcels. The City disagrees with Clayton County’s assessment and is in a genuine dispute with Clayton County regarding the taxable nature of these parcels; and

**WHEREAS**, a favorable resolution of this tax dispute by the City is important to the City on a financial and precedential basis; and

**WHEREAS**, tax law is a specialized and complex area of the law. No attorneys in the City’s Department of Law possess an expertise in the area of tax law; and

**WHEREAS**, Section 2-396 of the City of Atlanta Code of Ordinances vests the City Attorney “with complete and exclusive authority and jurisdiction in all matters of law;” and

**WHEREAS**, the City Attorney has determined that, in order to most effectively and efficiently represent the City in this tax dispute, the attorney(s) handling the dispute must have an expertise in the area of tax law; and

**WHEREAS**, the attorneys at Smith, Gambrell & Russell, LLP specialize in the area of tax law and have an excellent reputation; and



**WHEREAS**, the City Attorney recommends that the City retain Smith, Gambrell & Russell, LLP to represent the City in this dispute; and

**WHEREAS**, Smith, Gambrell & Russell, LLP is not able at this time to estimate the total cost of handling this matter; and

**WHEREAS**, the City requests authorization to expend funds to compensate and reimburse Smith, Gambrell & Russell, LLP in an amount not to exceed one hundred thousand dollars (\$100,000.00), with the understanding that the cost of handling this dispute may exceed this amount, and that, if necessary, the City Attorney will return to the City Council in the future with a status report on the matter and a request for authorization for additional funds.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA**, that the City Attorney be and is hereby authorized to retain the law firm of Smith, Gambrell & Russell, LLP to serve as outside counsel representing the City in its dispute against Clayton County, Georgia regarding the taxability of parcels at the Airport located in Clayton County and related matters.

**BE IT FINALLY RESOLVED** that the Chief Financial Officer is hereby authorized to remit payment of all legal fees, expenses and costs due for legal services rendered by the law firm of Smith, Gambrell & Russell, LLP in connection with tax matters regarding Airport property located in Clayton County, that are approved for payment by the City Attorney, in an amount not to exceed one hundred thousand dollars (\$100,000.00), to be paid from Fund Account and Center Number **2H01 524001 H11001**.

--A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk, CMC

**ADOPTED** by the Council  
**APPROVED** by the Mayor

JAN 21, 2003  
JAN 28, 2003

RCS# 4404  
1/21/03  
3:19 PM

Atlanta City Council

Regular Session

CONSENT 1

Pgs. 1-8; Except 03-R-0035; 03-R-0050

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 5  
EXCUSED: 0  
ABSENT 0

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

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**1/21/03 FULL COUNCIL MEETING**

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**Items Adopted on the  
Consent Agenda**

1. 02-O-2129
2. 03-O-0040
3. 02-O-2132
4. 02-O-2133
5. 02-O-2128
6. 03-O-0047
7. 03-R-0029
8. 03-R-0030
9. 03-R-0025
10. 03-R-0032
11. 03-R-0036
12. 03-R-0058
13. 03-R-0059
14. 02-R-1137
15. 02-R-1628
16. 02-R-1874
17. 03-R-0031
18. 03-R-0046
19. 02-R-2056
20. 03-R-0001
21. 03-R-0002
22. 03-R-0013
23. 03-R-0014

**Items Adversed on the Consent  
Agenda**

24. 03-R-0003
25. 03-R-0004
26. 03-R-0005
27. 03-R-0006
28. 03-R-0007
29. 03-R-0008
30. 03-R-0009
31. 03-R-0010
32. 03-R-0011
33. 03-R-0012
34. 03-R-0015
35. 03-R-0016
36. 03-R-0017
37. 03-R-0018
38. 03-R-0019
39. 03-R-0021
40. 03-R-0022
41. 03-R-0023
42. 03-R-0024

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Consent I Vote: 11 Yeas; 0 Nays: (See RCS #4404/Reconsidered; See RCS # 4376  
for Initial Vote & RCS #4403 for vote to Reconsider)

Items Removed from the Consent Agenda: 03-R-0035 & 03-R-0050

03-~~1~~-0032

(Do Not Write Above This Line)

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BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRM OF SMITH, GAMBRELL & RUSSELL LLP, TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA, GEORGIA IN CONNECTION WITH MATTERS PERTAINING TO PROPERTY TAXES ASSESSED BY CLAYTON COUNTY, GEORGIA UPON PROPERTIES AT HARTSFIELD INTERNATIONAL AIRPORT IN CLAYTON COUNTY; TO AUTHORIZE EXPENDITURES FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$100,000.00 TO BE PAID FROM FUND ACCOUNT AND CENTER NUMBER 2H01 524001 H11001; AND FOR OTHER PURPOSES.

APPROVED BY:

*Linda K. Disantus*  
LINDA K. DISANTUS  
CITY ATTORNEY

- 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: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

*PLA* 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

ADOPTED BY

JAN 21 2003

COUNCIL

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

CERTIFIED

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

CERTIFIED  
 JAN 21 2003

ATLANTA CITY COUNCIL PRESIDENT  
*Catherine M. Woodard*

CERTIFIED  
 JAN 21 2003

DEPUTY MUNICIPAL CLERK  
*Paula*

MAYOR'S ACTION

JAN 22 2003  
*Shirley Stewart*