

**A RESOLUTION AS AMENDED  
BY PUBLIC SAFETY**

03-R-0035

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRM OF SUTHERLAND ASBILL & BRENNAN, LLC TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH LEGAL MATTERS RELATED TO THE 20-YEAR OPERATIONS AND MAINTENANCE AGREEMENT WITH UNITED WATER SERVICES UNLIMITED ATLANTA, LLC; TO AUTHORIZE EXPENDITURES FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$200,000; AND FOR OTHER PURPOSES.**

**Whereas**, on December 24, 1998, the City of Atlanta entered into a 20-year Operations and Maintenance Agreement with United Water Services Unlimited Atlanta, LLC ("UWSA"); and

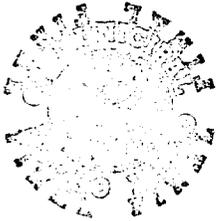
**Whereas**, pursuant to that Agreement (FC-6946-98), the City of Atlanta agreed to pay UWSA the amount of \$21,400,000.00 per year to operate and manage the City's drinking water system; and

**Whereas**, on June 10, 2002, and July 29, 2002, the City forwarded notices to UWSA such set forth a multitude of defaults under the agreement; and

**Whereas**, there remain outstanding performance issues related to the UWSA Contract which require intense supervision and legal analysis by the City Attorney and her staff in order to protect the City's position in this transaction; and

**Whereas**, the City Attorney has determined that additional particularized expertise and resources are needed to properly advance the interests of the City of Atlanta in this dispute; and

**Whereas**, the City Attorney has determined that the law firm of Sutherland Asbill & Brennan, LLC has both the specialized practice skills as well as the



considerable legal resources necessary to augment the expertise in the City Law Department.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES** that the City Attorney be and is authorized to retain the law firm of Sutherland Asbill & Brennan, LLC to serve as outside counsel to the City Attorney on legal matters related to the 20-year Operations and Maintenance Agreement with United Water Services Unlimited Atlanta, LLC ("UWSA").

**BE IT FURTHER RESOLVED** that the City Attorney be and is hereby authorized to incur legal fees, costs and expenses related to this matter in an amount not to exceed \$200,000.

**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 Sutherland Asbill & Brennan, LLC in connection with forgoing matters, once approved for payment by the City Attorney, in an amount not to exceed \$200,000.00 to be paid from Fund Account and Center Number 2J01 524001 H11001

Law rm 1/6/2003 12:56:19 PM

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

ADOPTED as amended by the Council  
APPROVED by the Mayor

JAN 21, 2003  
JAN 28, 2003

RCS# 4413  
1/21/03  
6:23 PM

Atlanta City Council

Regular Session

03-R-0035            Retain Sutherland Asbill & Brennan, LLP  
                         Re. United Water Contract  
                         ADOPT AS AMEND

YEAS:            9  
NAYS:            3  
ABSTENTIONS:   0  
NOT VOTING:     4  
EXCUSED:        0  
ABSENT          0

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

**03-R-0035**  
(Do Not Write Above This Line)

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APPROVED:  
*Linda K. DiSantis*  
Linda K. DiSantis  
City Attorney

*As Amended*  
**ADOPTED BY**

**JAN 21 2003**

- 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 \_\_\_\_\_

*PSL* Committee

*1/14/03*  
Date  
Chair  
Action  
Fav, Adv, Hold (see rev. side)  
Other *ADOPTED*

Members

*C. F. Martin*

*Walter ...*

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  
Readings  
 Consent  V Vote  RC Vote

CERTIFIED

**CERTIFIED**  
JAN 21 2003

ATLANTA CITY COMPTROLLER  
*Catherine ...*

**CERTIFIED**  
JAN 21 2003

DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

*Marilyn ...*