



CITY COUNCIL
ATLANTA, GEORGIA

03-O-1335

A SUBSTITUTE ORDINANCE BY COMMITTEE ON COUNCIL

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH FULTON COUNTY TO CONDUCT A CITY OF ATLANTA SPECIAL ELECTION TO BE HELD ON NOVEMBER 4, 2003 AND IF NECESSARY, A CITY OF ATLANTA RUN-OFF ELECTION ON NOVEMBER 25, 2003, TO FILL THE VACATED ATLANTA BOARD OF EDUCATION DISTRICT SEAT 2; TO APPOINT 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 MUNICIPAL ELECTION SUPERINTENDENT FOR THE PURPOSE OF CONDUCTING SAID ELECTION, AS ABSENTEE BALLOT CLERK AND AS MUNICIPAL REGISTRAR; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Section 21-2-45 (c)(2) of the Georgia Election Code, and Rules of the State Election Board 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 *and if necessary a Run-Off Election* for the City of Atlanta; and

WHEREAS, the governing authority of the City of Atlanta in accordance with Sections 21-2-70.1(b), 21-2-380.1 and 21-2-212 of the of Georgia Election Code and Rules of the State Election Board shall appoint a municipal election superintendent, *an absentee ballot clerk and a municipal registrar* in a public meeting and the appointments 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, by authority of Resolution 03-R-1336, a *City of Atlanta Special Election* to fill the vacated Atlanta Board of Education District 2 Seat has been called to be held in the City of Atlanta, in conjunction with the Fulton County Special Election, on November 4, 2003 and if necessary a City of Atlanta Run-Off Election *to be held* on November 25, 2003.



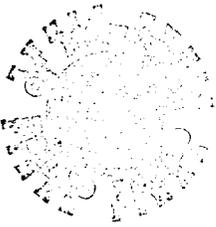
SECTION 2: That the Mayor be and is hereby authorized to execute an appropriate contractual agreement with Fulton County to conduct a City of Atlanta Special Election in conjunction with the Fulton County Special Election to be held on November 4, 2003, and if necessary a City of Atlanta Run-Off Election on November 25, 2003.

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 and Rules of the State Election Board 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, for the purpose of conducting said City of Atlanta Special Election to be held in conjunction with the Fulton County Special Election on November 4, 2003, *and if necessary a Run-off Election on November 25, 2003*, and that such appointment shall be recorded in the minutes of the Council's meeting, whereby this ordinance is adopted.

SECTION 4: *That the governing authority of the City, the Atlanta City Council, in accordance with Section 21-2-380.1 of the State of Georgia Elections Code and Rules of the State Election Board does hereby appoint 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 Absentee Ballot Clerk for the City of Atlanta Special Election to be held in conjunction with the Fulton County Special Election on November 4, 2003, and if necessary for a Run-off Election on November 25, 2003, and that such appointment shall be recorded in the minutes of the Council's meeting, whereby this ordinance is adopted.*

SECTION 5: *That the governing authority of the City, the Atlanta City Council, in accordance with Section 21-2-212(c) of the State of Georgia Elections Code and Rules of the State Election Board does hereby appoint 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 Municipal Registrar for the City of Atlanta and that such appointment shall be recorded in the minutes of the Council's meeting, whereby this ordinance is adopted.*

SECTION 6: That Fulton County has submitted a projected cost to conduct *said City of Atlanta Special Election*, in conjunction with Fulton County's Special Election on November 4, 2003, *and if necessary a City of Atlanta Run-off Election on November 25, 2003*, as shown in the form attached hereto and identified as Exhibit A.



SECTION 7: That the City shall pay to Fulton County an amount not to exceed \$10,000 to be paid and charged from Account Center Number 1A01 561001 T3001.

SECTION 8: 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 and identified as Exhibit B, to be approved by the City Attorney as to final form.

SECTION 9: 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 10: That should any part of this ordinance be declared unconstitutional or unenforceable in a court of law, it shall be severed from this ordinance and all such parts not declared unconstitutional or unenforceable shall remain in full force and effect.

SECTION 11: That all ordinances and parts of ordinances in conflict herewith be and are hereby repealed.

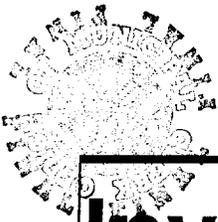
rdj/OMC 09/02/03

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 02, 2003
SEP 08, 2003



Invoice

Invoice Number: CTYATL110403

Date: August 29, 2003

Revised: 9/2/03

Fulton County Department of
Registration and Elections
141 Pryor Street, S.W. Suite 4075
Atlanta, Georgia 30303
(404) 730-7020
Fax: (404) 730-7024

To:
Ms. Rhonda Johnson
City Clerk
City of Atlanta
55 Trinity Avenue
Atlanta, Georgia 30335

To (if different address):

The following is a Projected Cost of Conducting a special election for City of Atlanta Board of Education, District 2. *This amount does not include a runoff election. Should a runoff election be needed, the same cost will be incurred.*

QTY.	DESCRIPTION	TOTAL
17,500	Cost of Printing Provisional/Absentee/Challenged Ballots @ 036 cents per Ballot(17,500x.36=6300/2)	\$3,150.00
	Estimated Cost of Ballots	\$3,150.00
	Set up Fee	250.00
	Total	\$3,400.00
	10% Administrative Fee	340.00
	TOTAL DUE	\$3,740.00

CHECKS SHOULD BE MADE PAYABLE TO:

Fulton County
Director of Finance
141 Pryor St. S.W., Ste 7001
ATLANTA, GA 30303



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."

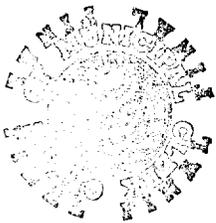
WHEREAS, the City in the performance of its governmental functions will hold the City of Atlanta Special Election *in conjunction with the Fulton County Special Election* on November 4, 2003, (the "Election") *and if necessary a Run-off on November 25, 2003, (the "Run-off")*; and,

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; and

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 Municipal Election Superintendent (the "Superintendent") of the aforementioned Election and shall perform any and all functions of 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 Fulton County Special Election, as a direct result of the City of Atlanta Special Election, the City agrees to pay such costs up to the amount of \$10,000 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 by the County, for legal assistance from the City Attorney shall be communicated in writing before the City will be



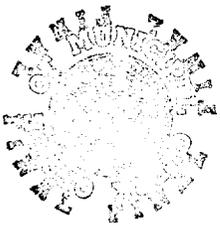
obligated to pay for legal services under this paragraph; provided further, that the failure of the City Attorney's office to respond to a request made hereunder, within a reasonable time, shall be deemed to be a refusal to furnish such services. County shall notify City in writing of its determination 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 the 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# 4977
9/02/03
1:23 PM

Atlanta City Council

Regular Session

03-O-1335 CONTRACT FULTON CO SPEC ELECTION 11/4/03
 RUN-OFF 11/25/03 BRD OF ED SEAT 2
 ADOPT ON SUB

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

03-0-1335

(Do Not Write Above This Line)

An Ordinance by Committee on Council:

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 4, 2003 and if necessary, a City of Atlanta Run-Off Election on November 25, 2003, to fill the vacated Atlanta Board of Education District Seat 2; to appoint as Municipal Election Superintendent for the purpose of conducting said Election the Fulton County Board of Registration and Elections with the Director of the Fulton County Department of Registration and Elections acting as its agent; and for other purposes.

Sub: He

- CONSENT REFER
- REGULAR REPORT REFER **ADOPTED BY**
- ADVERTISE & REFER **SEP 02 2003**
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER **COUNCIL**

Date Referred 8/18/03

Referred To: Committee on Council

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
 Committee Committee on Council
 Date 8/18/03
 Chair Paula G. Smith
 Referred To _____

Committee CS

Date 9/2/03
Chair

Action Other
Fax Adv, Hold (see rev. side)
Other

Members

[Signatures]

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

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

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

CERTIFIED

CERTIFIED
SEP 02 2003

MAYOR'S COUNCIL PRESIDENT
John W. Norwood

CERTIFIED
SEP 02 2003
Randy Douglas
MUNICIPAL CLERK

MAYOR'S ACTION

SEP 2003
Paula G. Smith
MAYOR