



CITY COUNCIL
ATLANTA, GEORGIA

04-O-0792

AN ORDINANCE BY COMMITTEE ON COUNCIL

AS SUBSTITUTED BY ATLANTA CITY 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 JULY 20, 2004 AND IF NECESSARY, A CITY OF ATLANTA RUN-OFF ELECTION ON AUGUST 10, 2004; AUTHORIZING THE CONTRACT TO INCLUDE SAID SPECIAL ELECTION TO FILL THE VACATED CITY COUNCIL PRESIDENT SEAT, TO FILL THE VACATED CITY COUNCIL DISTRICT 12 SEAT, AND TO PRESENT A REFERENDUM ON THE ONE PER CENT SALES AND USE TAX AS PROVIDED FOR IN HOUSE BILL 709; APPOINTING 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 O.C.G.A. Section 21-2-45 (c) (2) the City of Atlanta may authorize Fulton County, by ordinance, to conduct elections; and

WHEREAS, the City of Atlanta must take certain action to authorize a referendum on the special sales and use tax to be levied within the City of Atlanta ("**MOST**") as authorized in H.B. 709;

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 on the statutorily authorized dates of July 20, 2004 and August 10, 2004 respectively; and

WHEREAS, in accordance with O.C.G.A. Sections 21-2-70.1(b), 21-2-390.1 and 21-2-212 the governing authority of the City of Atlanta appoints 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.



THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

SECTION 1: That, by authority of Resolution 04-R-0793 a City of Atlanta Special Election to fill the vacated City Council President Seat has been called to be held in the City of Atlanta on Tuesday, July 20, 2004, and if necessary a City of Atlanta Run-off Election to be held on August 10, 2004.

SECTION 2: *That, by authority of Resolution 04-R-0800 a City of Atlanta Special Election to fill the vacated City Council District 12 Seat has been called to be held in the City of Atlanta on Tuesday, July 20, 2004, and if necessary a City of Atlanta Run-off Election to be held on August 10, 2004.*

SECTION 3: *That, by authority of Resolution 04-R-0884 a City of Atlanta Special Election to hold a referendum for the purpose of voting on a one per cent sales and use tax to be imposed for the purpose of funding water and sewer projects in the City of Atlanta as authorized in House Bill 709 has been called on Tuesday, July 20, 2004.*

SECTION 4: That the Mayor be and is hereby authorized to execute an appropriate contractual agreement with Fulton County to conduct the City of Atlanta Special Election(s) to be held on Tuesday, July 20, 2004, and if necessary City of Atlanta Run-off Election(s) on Tuesday, August 10, 2004.

SECTION 5: That the governing authority of the City, the Atlanta City Council, in accordance with O.C.G.A. Section 21-2-70.1 (b) does hereby appoint, as Municipal Election Superintendent, the Fulton County Board of Registration and Elections acting as its agent, for the purpose of conducting said City of Atlanta Special Election(s) to be held on Tuesday, July 20, 2004 to fill the vacated Seat of City Council President, to fill the vacated City Council District 12 Seat and to hold a referendum for the purpose of voting on a one per cent sales and use tax to be imposed for the purpose of funding water and sewer projects in the City of Atlanta as authorized in House Bill 709, and if necessary Run-off Election(s) on Tuesday, August 10, 2004 to fill the aforementioned vacancies.

SECTION 6: That the Atlanta City Council, in accordance with O.C.G.A. Section 21-2-380.1 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 on Tuesday, July 20, 2004, and if necessary for a Run-off Election on Tuesday, August 10, 2004.



SECTION 7: That the Atlanta City Council, in accordance with O.C.G.A. Section 21-2-212 (c) 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.

SECTION 8: That Fulton County has submitted a Projected Cost to conduct said City of Atlanta Special Election(s) held on Tuesday, July 20, 2004, and if necessary any City of Atlanta Run-off Election(s) on Tuesday, August 10, 2004, as shown in the form attached hereto and identified as Exhibit A.

SECTION 9: That based on the projected cost supplied by Fulton County the City shall pay to Fulton County an amount not to exceed *\$30,000 for City of Atlanta Special Election(s) to fill the Council President Seat vacancy, to fill the Council District 12 Seat vacancy and to present a referendum for the purpose of voting on a one per cent sales and use tax to be imposed for the purpose of funding water and sewer projects in the City of Atlanta as authorized in House Bill 709; to be held on July 20, 2004 in conjunction with the General Primary Election,* to be paid and charged from Account Center Number *1A01 761001 T31001.*

SECTION 10: *That based on the projected cost supplied by Fulton County the City shall pay to Fulton County an amount not to exceed \$30,000, for City of Atlanta Special Run-off Election(s), if necessary, to fill the Council President Seat vacancy and to fill the Council District 12 Seat vacancy or to fill the Council President Seat vacancy only, to be held on August 10, 2004 in conjunction with a county run-off election conducted in all precincts within the City of Atlanta; to be paid and charged from Account Center Number 1A01 761001 T31001.*

SECTION 12: *That based on the projected cost supplied by Fulton County the City shall pay to Fulton County an amount not to exceed \$4,000, for a City of Atlanta Special Run-off Election, if necessary, to fill the Council District 12 Seat vacancy only, to be held on August 10, 2004 in conjunction with a county run-off election conducted in all precincts within Atlanta City Council District 12; to be paid and charged from Account Center Number 1A01 761001 T31001.*

SECTION 13: *That based on the projected cost supplied by Fulton County the City shall pay to Fulton County an amount not to exceed \$635,000, for City of Atlanta Special Run-off Election(s), if necessary, to fill the Council President Seat vacancy and to fill the Council District 12 Seat vacancy or to fill the Council President Seat vacancy only, to be held on August 10, 2004 not in conjunction with a county run-off election but conducted in all precincts within the City of Atlanta; to be paid and charged from Account Center Number 1A01 761001 T31001.*



SECTION 14: *That based on the projected cost supplied by Fulton County the City shall pay to Fulton County an amount not to exceed \$ 80,000, for a City of Atlanta Special Run-off Election, if necessary, to fill the Council District 12 Seat vacancy only to be held on August 10, 2004 not in conjunction with a county run-off election but conducted in all precincts within Atlanta City Council District 12; to be paid and charged from Account Center Number 1A01 761001 T31001.*

SECTION 15: 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 16: 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 17: 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 18: That all ordinances and parts of ordinances in conflict herewith be and are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAY 17, 2004
MAY 19, 2004

PROJECTED COST

CITY OF ATLANTA SPECIAL ELECTION - JULY 20, 2004

350-265-2673-1462 OFFICE SUPPLIES

Absentee/Prov/Challenged Ballots @ \$400/M (95.6M/2)	\$19,300	Atlanta/Fulton
Absentee/Prov/Challenged Ballots @ \$400/M (18.8M/2)	\$4,000	Atlanta/Dekalb
Ballot Card Setup Fee.....	\$250	
Projected Ballot Printing Cost.....		\$23,550
10% Administrative Fee.....		\$2,355

TOTAL PROJECTED BALLOT PRINTING COST - CITY OF ATLANTA SPECIAL ELECTION **\$25,905**

CITY OF ATLANTA - CITY WIDE SPECIAL ELECTION RUNOFF - AUGUST 10, 2004

350-265-2673-1001 SALARIES - OVERTIME

Reg&Elec, IT, Pub. Safety, Gen. Svcs.....		\$42,410
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350-265-2673-1004 SALARIES - TEMPORARY

2 Admin. Aldes @ \$728.23/pp for 2pp (ED).....	\$2,910	
6 Admin. Aldes @ \$728.23/pp for 2pp (Whse).....	\$8,740	
5 Admin. Aldes @ \$728.23/pp for 2pp (Whse).....	\$7,280	
5 Admin. Aldes @ \$728.23/pp for 2pp (RD).....	\$7,280	
6 Systems Specialists @ \$1207.43/pp for 3pp (TS Whse)	\$21,730	
1 Sys. Specialists Supv. @ \$1372.85/pp for 3pp (TS Whse)	\$4,120	
1 Mail Courier @ \$827.46/pp for 2pp (Whse).....	\$1,650	
18 Drivers @ \$75/day for 20 days (pickup & delivery ts unit	\$27,000	
Total Temporary Salary.....		\$80,710

350-265-2673-1010 SOCIAL SECURITY

(salaries).....	\$123,120	\$7,630
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350-265-2673-1011 SOCIAL SECURITY-MEDICARE.....	\$123,120	\$1,790
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350-265-2673-1060 UNEMPLOYMENT INS.....	\$123,120	\$250
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350-265-2673-1120 RENTAL EQUIPMENT

10 Vans @ \$1,100 ea/mo for 1 month.....	\$11,000	
10 Vans @ \$300/wk for 1 week.....	\$3,000	
1 Van @ \$1,100 ea/mo for 1 months.....	\$1,100	
50 Tables @ \$6.68 for 1 day.....	\$330	
75 Chairs @ \$.85/ea for 1 day.....	\$60	
167 Cell Phones	\$5,010	
TOTAL.....		\$20,500

350-265-2673-1121 RENTAL BUILDINGS

70 Public and Private Facilities.....		\$10,200
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TOTAL RENT/LEASES.....		\$30,700
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BALANCE CARRIED FORWARD.....		\$163,490
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EXHIBIT "A"

PROJECTED COST

CITY OF ATLANTA - CITY WIDE SPECIAL ELECTION RUNOFF - AUGUST 10, 2004

BALANCE BROUGHT FORWARD.....		\$163,490
350-265-2673-1159 HRLY FEES PERSONNEL		
Poll Workers		
11 Dual Mgrs @ \$ 210.....	\$2,310	
156 Chief Mgrs @ \$ 190.....	\$29,640	
334 Asst. Mgrs. @ \$ 120.....	\$40,080	
167 Prov. Clerks @ \$120.....	\$20,040	
627 Clerks @ \$ 100.....	\$62,700	
15 Poll Evaluators @ \$ 190.....	\$2,850	
Poll Worker Trng. Cls (1320 @ \$30).....	\$39,600	
Election Night Workers (@ variable rates)	\$30,000	
TOTAL FEES.....		\$227,220
350-265-2673-1160 PROFESSIONAL SERVICES		
Technical Services.....	\$57,500	
Total Professional Services.....		\$57,500
350-265-2673-1178 FEES		
5 Members @ \$50/meeting for 3 meetings.....		\$750
350-265-2673-1452 VEHICLE SUPPLIES		
Gasoline.....		\$2,000
350-265-2673-1456 POSTAGE		
Absentee Ballots letters to voters, candidates, poll workers, other.....		\$4,500
350-265-2673-1459 PRINTING & BINDING.....		
		\$7,500
350-265-2673-1461 PHOTOCOPIES.....		
		\$1,500
350-265-2673-1462 OFFICE SUPPLIES		
Miscellaneous Office Supplies.....	\$5,000	
Abs/Prov/Chal Ballot Cards @ \$400/M (85M).....	\$34,000	
Sample Ballots for posting at polls.....	\$7,500	
TOTAL SUPPLIES.....		\$46,500
350-265-2673-1475 STOCKPAPER		
Information Tech. Chargebacks, voter lists labels, poll worker letters, lists, and labels.....		\$2,000
350-265-2673-1501 INSURANCE - HEALTH		
		\$4,000
350-265-2673-1505 INSURANCE - LIFE		
		\$200
350-265-2673-1510 INSURANCE - DENTAL		
		\$350
350-265-2673-1512 INS-VISION		
		\$30
350-265-2673-1525 PENSION EMPLOYEES		
		\$7,000
Subtotal.....		\$524,540
350-265-2673-13EL Elections Administrative.....surcharge (10%)		\$52,454
TOTAL CITY OF ATLANTA SPECIAL ELECTION RUNOFF		\$576,994
TOTAL PROJECTED COST - CITY OF ATLANTA SPECIAL ELECTION		\$25,905
GRAND TOTAL		<u>\$602,899</u>



STATE OF 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 Elections to be held on Tuesday, July 20, 2004, (the "Elections") and if necessary will hold City of Atlanta Special Run-off Election(s) to be held on Tuesday, August 10, 2004, (the "Run-off(s)"); 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(s) and City has heretofore adopted such an ordinance (#04-O-0792); 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 Elections and *if necessary Run-offs*.



2.

The Fulton County Board of Registration and Elections shall operate as the Municipal Election Superintendent (the "Superintendent") of the aforementioned Elections and shall perform any and all functions of City or any of its officials in connection with the conduct of such Elections *and if necessary Run-offs* except as hereinafter provided.

3.

The cost of such elections shall be in accordance with the Projected Costs attached hereto as Exhibit A and made a part hereof by reference.

City agrees to pay the County the original projected sum of \$25,905 for the July 20, 2004 City of Atlanta Special Elections to fill the vacant City Council President Seat, to fill the vacant City Council District 12 Seat, and to present the Sales and Use Tax Referendum to be conducted in conjunction with a county election held in all precincts within the City of Atlanta.

If any Special August 10, 2004 City of Atlanta Run-off Elections are necessary to fill the vacant City Council President Seat and to fill the vacant City Council District 12 Seat or to fill the vacant City Council President Seat only that are to be conducted in conjunction with a county election held in all precincts within the City of Atlanta the City agrees to pay the County a projected additional \$25,905.



If a Special August 10, 2004 City of Atlanta Run-off Election is necessary to fill the vacant City Council District 12 Seat only, that is to be conducted in conjunction with a county election held in the precincts within the City of Atlanta's Council District 12, the City agrees to pay the County an additional amount not to exceed \$5,000.

If any Special August 10, 2004 City of Atlanta Run-off Elections are necessary to fill the vacant City Council President Seat and to fill the vacant City Council District 12 Seat or to fill the vacant City Council President Seat only, that are to be conducted not in conjunction with a county election held in all precincts within the City of Atlanta, the City agrees to pay the County a projected additional \$576,994.

If a Special August 10, 2004 City of Atlanta Run-off Election is necessary to fill the vacant City Council District 12 Seat only, that is to be conducted not in conjunction with a county election held in the precincts within the City of Atlanta's Council District 12, the City agrees to pay the County an additional \$80,000.

City shall remit \$25,905 to the County upon execution of this contract by all parties involved. The County agrees to maintain the sum of \$25,904 in a separate election account with all expenses and charges in connection with the July 20, 2004 City of Atlanta Special Election to be recorded and paid from said account. Should any August 10, 2004 City of Atlanta Special Runoff Election(s) be necessary, the city shall remit to the county by July 23, 2004, the appropriate amount(s) as follows:



- ***\$25,905 – For Special Run-off Election(s) to fill the vacant city Council President Seat and to fill the vacant City Council District 12 Seat, or to fill the vacant City Council President Seat only held city-wide, in conjunction with a county election.***
- ***\$5,000 – For a Special Run-off Election to fill the vacant City Council District 12 Seat held in Atlanta City Council District 12 only, in conjunction with a county election.***
- ***\$80,000 - For a Special Run-off Election to fill the vacant City Council District 12 Seat held in Atlanta City Council District 12 only, but not in conjunction with a county election.***
- ***\$576,994 - For Special Run-off Election(s) to fill the vacant city Council President Seat and to fill the vacant City Council District 12 Seat, or to fill the vacant City Council President Seat only held city-wide, but not in conjunction with a county election.***

Within ninety (90) days after the date of the election(s) or any run-off election(s) related thereto, whichever is the last to occur, County shall furnish to City a complete statement showing all costs and expenses incurred in the election(s) and if necessary run-off(s) and refund to City any excess fund in the elections account or collect from City any deficits shown in said account.



4.

All legal services and defenses of litigation required by any Board or person arising from the Election(s) 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 costs 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 obligation 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# 5721
5/17/04
3:11 PM

Atlanta City Council

Regular Session

04-O-0792 ENTER CNTRCT FULTON CO SPEC ELEC 7/20/04

ADOPT ON SUB

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

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

04-O-0792

04-0-0792
 (Do Not Write Above This Line)

AN 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 JULY 20, 2004 AND IF NECESSARY, A CITY OF ATLANTA RUN-OFF ELECTION ON AUGUST 10, 2004; AUTHORIZING THE CONTRACT TO INCLUDE SAID SPECIAL ELECTION TO FILL THE VACATED CITY COUNCIL PRESIDENT SEAT AND IF NECESSARY TO FILL ANY VACATED CITY COUNCIL ~~SEAT~~ DISTRICT SEAT ~~IN~~ ~~ATLANTA~~ ~~CITY~~ AND TO PRESENT A REFERENDUM ON THE ONE PER CENT SALES AND USE TAX AS PROVIDED FOR IN HOUSE BILL 709; APPOINTING 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.

Referred Substantive

- CONSENT REFER
- REGULAR REPORT REFER **ADOPTED BY**
- ADVERTISE & REFER MAY 17 2004
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER **COUNCIL**

Special called meeting
 Date Referred 4/26/2004 w/p objection

Referred To: Committee on Council

Date Referred 5/3/04

Referred To: Committee on Council

Date Referred _____

Referred To: _____

Committee _____
 Date _____
 Chair _____
 Referred To _____

First Reading

Committee Council
 Date 5/3/04
 Chair Paul Smith

Action As Amended
 Fav, Adv, Hold (see rev. side)
 Other _____

Members

Refer To Council

Refer To

Committee Council
 Date _____
 Chair _____

Action Fav, Adv, Hold (see rev. side)
 Other _____

Members

Refer To

Refer To

Committee Council
 Date 5/3/04
 Chair _____

Action Fav, Adv, Hold (see rev. side)
 Other _____

Members

Refer To

Refer To

Committee _____
 Date _____
 Chair _____

Action Fav, Adv, Hold (see rev. side)
 Other _____

Members

Refer To

Refer To

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

CERTIFIED

CERTIFIED

MAY 17 2004

[Signature]
 CITY PRESIDENT

MAY 17 2004
[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]
 MAY 19 2004
 MAYOR