

**AN AMENDED RESOLUTION  
BY COUNCILMEMBER H. LAMAR WILLIS**

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRM OF FELLOWS, JOHNSON & LABRIOLA, LLP TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH CERTAIN LITIGATION RELATED TO THE CITY OF ATLANTA PENSION PLANS; TO AUTHORIZE EXPENDITURES FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$100,000 TO BE CHARGED TO AND PAID FROM FAC 1A01-524001-T31001; (CONSULTANT SERVICES-NONDEPARTMENTAL); FOR OTHER PURPOSES.**

**Whereas**, the City of Atlanta, the members of the Atlanta City Council and the Chief Financial Officer are named as defendants in a lawsuit styled *Southern States Police Benevolent Ass'n of Ga., et al. v. City of Atlanta, et al.*, Civil Action No. 2003-CV-79284; and

**Whereas**, the lawsuit challenges the business methods used by the City to administer the police, fire and general employees pension funds, as well as the manner in which the City Attorney provides legal advice to the pension funds; and

**Whereas**, legal matters surrounding the pension funds are a specialized area of the law; and

**Whereas**, in the opinion of the City Attorney there exists a potential conflict of interest in both defending the lawsuit and continuing to provide representation to the pension boards; and

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Whereas, Sections 2-407 and 2-683(d) of the Code of Ordinances contemplates the retention of outside counsel in the event specialized expertise is needed, as well as when a possible conflict of interest exists; and

Whereas, the City Attorney conducted a review of law firms qualified to handle this type of complex litigation matter; and

Whereas, the City Attorney determined that the law firm of Fellows Johnson & LaBriola, LLP has both the specialized practice skills as well as the considerable legal resources necessary to defend the matter styled *Southern States Police Benevolent Ass'n of Ga., et al. v. City of Atlanta, et al.*, Civil Action No. 2003-CV-79284 on behalf of the City of Atlanta and all named defendants.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES** that the City Attorney be and is authorized to execute a retainer agreement with the law firm of Fellows Johnson & LaBriola, LLP to serve as outside counsel to the City Attorney in the defense of a lawsuit styled *Southern States Police Benevolent Ass'n of Ga., et al. v. City of Atlanta, et al.*, Civil Action No. 2003-CV-79284.

**BE IT FURTHER RESOLVED** that the City Attorney be and is hereby authorized to incur legal fees, costs and expenses related to the defense of *Southern States Police Benevolent Ass'n of Ga., et al. v. City of Atlanta, et al.*, Civil Action No. 2003-CV-79284 in an amount not to exceed \$100,000.00.

**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 Fellows Johnson & LaBriola, LLP in connection with forgoing matters, once approved for payment by the City Attorney, in an amount not to exceed \$100,000.00 to be paid from Fund Account and Center Number **1A01 - 524001-T31001**. (Consultant Services-Nondepartmental).

OMC Amendment Incorporated by WHG 2/4/04

A true copy,

  
Municipal Clerk, CMC

**ADOPTED as amended by the Council**  
**APPROVED by the Mayor**

FEB 02, 2004  
FEB 10, 2004

1/28/04 4:56 PM



2-02-4 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT
<ol style="list-style-type: none"> <li>1. 04-O-0033</li> <li>2. 04-O-0037</li> <li>3. 04-O-0151</li> <li>4. 04-O-0159</li> <li>5. 04-O-0153</li> <li>6. 04-R-0176</li> <li>7. 04-R-0133</li> <li>8. 04-R-0178</li> <li>9. 04-R-2123</li> <li>10. 04-R-0135</li> <li>11. 04-R-0136</li> <li>12. 04-R-0137</li> <li>13. 04-R-0138</li> <li>14. 04-R-0139</li> <li>15. 04-R-0145</li> <li>16. 04-R-0146</li> <li>17. 04-R-0147</li> <li>18. 04-R-0148</li> <li>19. 04-R-0149</li> <li>20. 04-R-0150</li> <li>21. 04-R-0154</li> <li>22. 04-R-0160</li> <li>23. 04-R-0161</li> <li>24. 04-R-0162</li> <li>25. 04-R-0164</li> <li>26. 04-R-0184</li> <li>27. 04-R-0140</li> <li>28. 04-R-0170</li> <li>29. 04-R-0076</li> <li>30. 04-R-0077</li> <li>31. 04-R-0078</li> <li>32. 04-R-0079</li> <li>33. 04-R-0080</li> <li>34. 04-R-0081</li> <li>35. 04-R-0082</li> <li>36. 04-R-0083</li> <li>37. 04-R-0084</li> <li>38. 04-R-0085</li> <li>39. 04-R-0086</li> <li>40. 04-R-0087</li> </ol>	<ol style="list-style-type: none"> <li>41. 04-R-0088</li> <li>42. 04-R-0089</li> <li>43. 04-R-0090</li> <li>44. 04-R-0091</li> <li>45. 04-R-0092</li> <li>46. 04-R-0093</li> <li>47. 04-R-0094</li> </ol> <p><b>ITEMS ADVERSED ON CONSENT</b></p> <ol style="list-style-type: none"> <li>48. 04-R-0096</li> <li>49. 04-R-0097</li> <li>50. 04-R-0098</li> <li>51. 04-R-0099</li> <li>52. 04-R-0100</li> <li>53. 04-R-0101</li> <li>54. 04-R-0102</li> <li>55. 04-R-0103</li> <li>56. 04-R-0104</li> <li>57. 04-R-0105</li> <li>58. 04-R-0106</li> <li>59. 04-R-0107</li> <li>60. 04-R-0108</li> <li>61. 04-R-0109</li> <li>62. 04-R-0110</li> <li>63. 04-R-0111</li> <li>64. 04-R-0112</li> <li>65. 04-R-0113</li> <li>66. 04-R-0114</li> <li>67. 04-R-0115</li> <li>68. 04-R-0116</li> <li>69. 04-R-0117</li> <li>70. 04-R-0118</li> <li>71. 04-R-0119</li> <li>72. 04-R-0120</li> <li>73. 04-R-0121</li> <li>74. 04-R-0122</li> <li>75. 04-R-0123</li> <li>76. 04-R-0124</li> </ol>

**04-R-0160**

(Do Not Write Above This Line)

A RESOLUTION BY M. Williams  
COUNCILMEMBER WILLIS

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRM OF FELLOWS, JOHNSON & LABRIOLA, LLP TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH CERTAIN LITIGATION RELATED TO THE CITY OF ATLANTA PENSION PLANS; TO AUTHORIZE EXPENDITURES FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$100,000 TO BE CHARGED TO AND PAID FROM FAC 1A101-529017-131001; AND FOR OTHER PURPOSES.

**AS AMENDED**

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred: 1/20/04  
 Referred To: 1st & 2nd Reading  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred: \_\_\_\_\_  
 Referred To: \_\_\_\_\_

First Reading  
 Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee FIN  
 Date 1/28/04  
 Chair Dan Pfeiffer  
 Action AS ORDERED  
 Fav, Adv, Hold (see rev. side)  
 Members Blank, Smith  
 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**  
**FEB 02 2004**  
**COUNCIL**  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

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

FEB 02 2004

**CERTIFIED**  
 FEB 02 2004  
Ronald D. Simpson  
 MUNICIPAL CLERK

**APPROVED**  
 FEB 10 2004  
Randy Sparks  
 MAYOR