

**A RESOLUTION
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE TO RETAIN THE LAW FIRMS OF KILPATRICK STOCKTON, LLC AND JOHNSON & FREEMAN, LLC TO PROVIDE FOR THE CONTINUED SERVICE OF THOSE FIRMS AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH CONTRACT MATTERS, CONSTRUCTION MANAGEMENT ISSUES, INFRASTRUCTURE, TELECOMMUNICATIONS AND ENVIRONMENTAL ISSUES, LITIGATION MATTERS, AND OTHER MATTERS CONCERNING HARTSFIELD ATLANTA INTERNATIONAL AIRPORT AND THE DEPARTMENT OF AVIATION; TO AUTHORIZE EXPENDITURES FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED \$4.75 MILLION, TO BE FUNDED OUT OF FAC NO. 2H21 524001 H11001; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Resolution No. 02-R-2114, adopted by the City's Council on December 2, 2002, and approved by the Mayor on December 10, 2002, the City Attorney was initially authorized to retain the firms (the "Firms") of Kilpatrick Stockton, LLC and Johnson & Freeman, LLC to represent the City's Departments of Law and Aviation in matters relating to contract issues, construction management issues, infrastructure, telecommunications and environmental issues, and other matters specifically relating to the Hartsfield-Jackson Development Program and the Hartsfield-Jackson Masterplan;

WHEREAS, pursuant to Resolution No. 03-R-1872, adopted by the City's Council on December 1, 2003, and approved by the Mayor on December 4, 2003, the City Attorney was authorized to continue to retain the Firms to represent the City's Departments of Law and Aviation in matters relating to contract issues, construction management issues, infrastructure, telecommunications and environmental issues, and other matters specifically relating to the Hartsfield-Jackson Development Program and the Hartsfield-Jackson Masterplan for 2004:

WHEREAS, the Firms provided legal services to the City's Law and Aviation Departments in 2003 and 2004 in a satisfactory manner and it is desirable and in the City's best interests to continue to retain the Firms to provide counsel on such Airport matters;

WHEREAS, it is further desirable and in the City's best interests to continue to retain such Firms to provide additional legal services relating to litigation matters and the



City's plan to continually review and improve its procurement process, including its desire to implement and continue to create new, updated and improved procurement documents necessary for the Airport to continue to procure a variety of goods and services on business and legal terms advantageous to the City;

WHEREAS, it is further desirable to continue to authorize the firms to retain experts to provide consulting advice and to maintain the line of privity between the Firms and the experts in order to maintain the City's legal privileges concerning such advice;

WHEREAS, beginning in 2004 and continuing through 2005 and beyond, the City will be constructing the Maynard Holbrook Jackson International Terminal and a Consolidated Car Rental Facility (collectively, the "CM@Risk Projects") with a collective estimated cost of \$1.461 billion;

WHEREAS, beginning in 2004 and continuing through 2005 and beyond, the City will also be constructing other aviation projects with a collective estimated cost of \$1.395 billion;

WHEREAS, the CM@ Risk Projects are complex in nature and will require additional legal support, as well as consultant support to establish, maintain and audit all financial costs incurred on the CM@ Risk Projects;

WHEREAS, given the complexity of the Projects being constructed in 2005 and beyond and their total dollar value in excess of \$1.8 billion, it is imperative that the City maintain sufficient internal and external legal counsel to advise the Airport on the myriad of legal issues that will arise concerning such Projects and to be legally proactive in minimizing legal risks associated with such Projects;

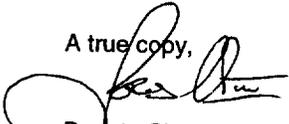
WHEREAS, the City Attorney, in consultation with the Department of Aviation and its General Manager, has determined that it is desirable and in the City's best interests to continue to retain the Firms to provide legal services on Airport matters;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA that the City Attorney is authorized to continue to retain the services of the Firms to serve as outside counsel for the City on matters relating to contract issues, construction management issues, infrastructure, telecommunications and environmental issues, litigation matters, and other matters specifically relating to the Hartsfield-Jackson Development Program and the Hartsfield-Jackson Masterplan, and to further provide legal counsel concerning the development of new, updated and improved procurement documents necessary for the Airport to continue to procure a variety of goods and services on business and legal terms advantageous to the City;

BE IT FURTHER RESOLVED that the City Attorney is authorized to execute an Amendment to, or other appropriate documentation concerning, any existing Retainer Agreement with the Firms outlining such continued legal services, in an amount not to exceed \$4.75 million;



BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to remit payment of all legal fees, expenses and costs due for the services rendered by the Firms and their consultants, including experts, accountants and auditors, in connection with the foregoing matters once approved by the City Attorney or her designee for payment in an amount not to exceed \$4.75 million, to be paid from Fund Account and Center Number 2H21 524001 H11001.

A true copy,

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

February 7, 2005
February 14, 2005



RCS# 6446
2/07/05
2:55 PM

Atlanta City Council

Regular Session

05-R-0126

RETAIN KILPATRICK STOCKTON LLC JOHNSON &
FREEMAN AS OUTSIDE COUNSEL \$4.75 MILLION
ADOPT

YEAS: 14
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

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

05-R-0126

05-0126
 (Do Not Write Above This Line)

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APPROVED BY: *Linda K. Disantis*
 Linda K. Disantis
 City Attorney

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

Date Referred _____
 Referred To: **ADOPTED BY**
 Date Referred **FEB 07 2005**
 Referred To: _____
 Date Referred **COUNCIL**
 Referred To: _____

First Reading
 Committee _____
 Date _____
 Chair _____
 Referred To _____

PLA Committee
 Date **2/1/05**
 Chair *[Signature]*

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

Members
[Signature]
[Signature]

Refer To
[Signature]
[Signature]

Committee _____

Date _____

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
 Consent V Vote RC Vote

CERTIFIED

FEB 07 2005

Removed from consent by N. Adm. Inv. **2/1/05**

CERTIFIED
 FEB 07 2005
[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION

[Signature]