CITY COUNCIL
ATLANTA, GEORGIA

05-R-0128

A RESOLUTION
BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXTEND A RETAINER AGREEMENT WITH THE LAW FIRM OF KING & SPALDING, LLP TO SERVE AS OUTSIDE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH LEGAL MATTERS RELATED TO THE WAGE AND HOUR CASE BROUGHT BY MEMBERS OF THE ATLANTA POLICE DEPARTMENT; TO AUTHORIZE EXPENDITURES FOR THAT PURPOSE IN AN AMOUNT NOT TO EXCEED $350,000 TO BE CHARGED TO AND PAID FROM FAC 1A01-524001-T31001 (CONSULTANT SERVICES-NONDEPARTMENTAL); AND FOR OTHER PURPOSES.

Whereas, over 150 current and former worn Police Officers for the City of Atlanta brought an action against the City of Atlanta under the Fair Labor and Standards Act (FLSA); and

Whereas, Plaintiffs allege that their superiors required them to work with other law enforcement personnel in federal and other state and local jurisdictions when Plaintiffs were not specifically on-duty at their customary work-sites; and

Whereas, Plaintiffs allege that the City of Atlanta required Plaintiffs to perform several duties on the behalf of the City without compensation, including, but not limited to the following: waiting for potential service calls, waiting between the end of their duty shift and the commencement of their appearance in court for purposes of testifying as witnesses on behalf of the City, and responding verbally to off-duty telephone calls with other law enforcement personnel; and

Whereas, Plaintiffs allege that pursuant to FLSA they are entitled to overtime compensation at the rate of one and one-half times their regular rates of pay for all hours worked in excess of forty hours per week; and

Whereas, Plaintiffs demand monetary damages in the form of back pay compensation, and liquidated damages equal to their unpaid compensation, as well as pre-judgment and post-judgment interest with attorneys fees; and

Whereas, the City Attorney determined that, due to the particularized expertise and resources needed to properly advance the interests of the City of Atlanta and litigate this matter, and due to the need to simultaneously represent several of the litigants in other matters directly related to their service on behalf of the City of Atlanta within the guidelines of the Rules of Ethics for the Georgia Bar, outside counsel would be necessary; and

Whereas, given the sensitive nature of this action, the multitude of plaintiffs, and the potential level of financial exposure, the City Attorney determined it appropriate to engage the legal services of the law firm of King & Spalding, LLP as outside counsel as provided in Section 2-407 of the Code of Ordinances; and

Whereas, King & Spalding has successfully addressed several of the issues for which the firm was engaged, including defending dozens of employment class actions; and

Whereas, King & Spalding was recognized as one of just three law firms in the State of Georgia to have a top-tier labor and employment practice and has five of the nineteen leading labor and employment defense attorneys in Georgia, more than any other law firm; and

Whereas, the City Attorney has determined that the law firm of King & Spalding, LLP 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 extend its retention agreement with the law firm of King & Spalding, LLP to serve as outside counsel to the City Attorney on legal matters related to the wage and hour litigation, *Michael Kreher, et al v. City of Atlanta*, Civil Action No. 1:04-CV-2651.

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 $350,000.00.

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 King & Spalding, LLP in connection with forgoing matters, once approved for payment by the City Attorney, in an amount not to exceed $350,000.00 to be paid from Fund Account and Center Number 1A01-524001-T31001 (Consultant Services-Nondepartmental).

A true copy,

Deputy Clerk

ADOPTED by the Council
APPROVED by the Mayor

February 7, 2005
February 14, 2005

RCS# 6440
2/07/05
2:34 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG(S) 3-16 EXCEPT 05-R-0109
05-R-0126
ADOPT

YEAS:	12
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	4
EXCUSED:	0
ABSENT	0

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

05-R-0128

(Do Not Write Above This Line)

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ADOPTED BY

FEB 07 2005

COUNCIL

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

Date Referred

Referred To:

Date Referred

Refferred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred To

PSLA Committee	Committee
2/1/05 Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other	Other
Members	Members
Refer To	Refer To

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

FINAL COUNCIL ACTION

❑ 2nd ❑ 1st & 2nd ❑ 3rd Readings

☑ Consent ❑ V Vote ☑ RC Vote

CERTIFIED

FEB 07 2005

CERTIFIED

FEB 07 2005

MUNICIPAL CLERK

MAYOR'S ACTION

FEB 1 0 2005