

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Wednesday, March 31, 2010, at 1:00 p.m. in Committee Room #2, City Hall South, 2nd Floor.

Present: Councilmember Adrean, Chair
 Councilmember Felicia A. Moore
 Councilmember Howard Shook
 Councilmember Alex Wan
 Councilmember Aaron Watson
 Councilmember C.T. Martin
 Councilmember H. Lamar Willis

Roosevelt Council, Acting CFO
 Departmental Staff

Chairperson Adrean called the meeting to order at 1:10 p.m. after declaring a quorum present. The Committee members present were introduced as follows: Councilmembers Felicia A. Moore, Howard Shook, Alex Wan, Aaron Watson, C.T. Martin and H. Lamar Willis. Other Departmental staff was present as well.

The Agenda was adopted as printed with two new First Read Ordinances and one new Resolution.

The minutes of the Finance/Executive Committee's March 10, 2010 meeting, the Work Session held on March 11, 2010 with one correction on page #2 and the Work Session meeting held on March 23, 2010, which had one correction on page #2 were adopted as well.

DISCUSSION ITEMS

LEGISLATIVE UPDATE - MS. MEGAN MIDDLETON, INTERGOVERNMENTAL AFFAIRS MANAGER

Ms. Megan Middleton: Office of the Mayor's Intergovernmental Affairs Manager addressed the Committee by stating that today is day 32 and Friday was crossover. Some things did not pass. **HR 1** and **HR 21** did not come to a vote. **HB 1020** did pass to use money not for just capital projects. The Referendum has to be approved by the City. Some of our items did not go forward, but we are still working on them. One of the items regarding vacant property owner identification moved on yesterday and they are going to be at a hearing today regarding Code Enforcement. **HB 480**, which eliminates the ad valorem taxes on vehicles shows that Cities would be losing money. A study was done by GMA. **HB 68** did not get out on its own. **HB 903**, which extends the expiration date for Hotel/Motel Taxes was not addressed.

FEBRUARY MONTHLY REPORT, ROOSEVELT COUNCIL, ACTING CFO

Councilmember Moore asked if after the monthly report, could we let the Chief Judge speak. Acting CFO Council responded that he needs 10 to 12 minutes.

Ms. Carol King: Acting Chief of Budget and Fiscal Policy addressed the Committee by stating that this is the budget monthly report for February 2010. Going forward the revenues are \$417 million dollars and actuals are \$424 million dollars for a variance of \$7.7 million dollars. Expenditures are \$346 million dollars and actuals are \$326 million dollars for a variance of \$20 million dollars. Councilmember Watson asked if that number is applied to that number for administrative purposes. Acting CFO Council responded, yes, at year's end the balance is all we have to do at year end. By Code, 25% of that includes the Restricted Reserve (Rainy Day Fund), 25% goes to the Capital Fund and the rest goes in the General Fund. Any action would have to be taken by Council.

MONTHLY CASH FLOW

Mr. Greg Richardson: Controller of the Department of Finance addressed the Committee by stating that monthly cash flow in the General Fund does not paint a complete picture until we get the modified accrual basis. This document has highlighted items that he would point out. Revenues of \$413 million dollars have a reduction of the payment of employees and vendors. It is \$131 million dollars of operating expenses on the far right. \$127 million in cash has been generated by the General Fund here to date. The Debt Service is a reduction of \$19 million dollars and other investment activities is around \$6 million dollars. That number represents the amount of cash through February. It is increased by \$189 million dollars. The number will decrease because we will draw down on it. Councilmember Willis asked about the investment for the Courts pool fund. Mr. Richardson responded that it is a pool fund in the State of Georgia. We make those contributions. This is a State investment. Councilmember Willis asked who is it placed with? Mr. Richardson responded that it is placed with the Chief Debt Investor. Acting CFO Council added that it is mandated by the State regarding how much and how we can invest it. They have to be AAA Companies. We can set up a time to discuss it. Chairperson Adrean stated that we will do a working lunch. Councilmember Martin stated that these figures are done in consultation. Acting CFO Council responded that Ms. Pigler doesn't make any direct decisions. Councilmember Shook asked if this will have any bearing on the repayment schedule for Watershed. Mr. Richardson responded that if we wanted to pay off the MOU, it could be discussed. Chairperson Adrean asked about the \$80 million dollars in Tax Anticipation Notes (TANS). Mr. Richardson responded that the \$80 million dollars is proceeds. We don't receive cash from it. It shows \$189 million dollars, but \$80 million dollars of it is TANS and \$20 million dollars is the net. Chairperson Adrean asked about the Management Letter. Mr. Richardson responded that we are finishing it up and will give it to Banks, Finley and White today. Chairperson Adrean asked for an update on the Five-Year Plan. Acting CFO Council responded that we should have it in the next ten days. We will take the FY 2011 and move those things forward into each year. It is about being more exact in the numbers. Councilmember Martin asked about the Airport Bonds. Will anything happen between now and when we come back? Acting CFO Council responded, no. Councilmember Martin asked about the R.M. Clayton Treatment Plant.

Mr. David St. Pierre: Deputy Commissioner of the Department of Watershed Management addressed the Committee by stating that we are asking for a procurement process to be approved.

REGULAR

TO AMEND THE 2010 (INTERGOVERNMENTAL GRANT FUND) BUDGET

10-O-0473 (1) An Ordinance by Finance/Executive Committee amending the 2010 (Intergovernmental Grant Fund) Budget by adding to Anticipations and Appropriations Funds received from the Buckhead Community Improvement District ("BCID") in the amount of two hundred forty six thousand seven hundred ninety four dollars (\$246,794.00), for the purpose of relocating utilities for the Peachtree Corridor Project; and for other purposes.

FAVORABLE

Councilmember Moore offered a motion to **Approve, 6 Yeas.**

TO AMEND THE FY 2010 (INTERGOVERNMENTAL GRANT FUND – 2501) BUDGET

10-O-0474 (2) A **Substitute** Ordinance by Finance/Executive Committee authorizing the Chief Financial Officer to amend the FY 2010 (Intergovernmental Grant Fund – 2501) Budget in the amount of

three hundred ninety thousand dollars and no cents (\$390,000.00) by adding to Anticipations and Appropriations Funds for the Grant from the Environmental Protection Agency, ("EPA") per the Intergovernmental Agreement with ("EPA") for the design and construction of the McDaniel Branch Stream Restoration Project; and for other purposes. **(Finance/Executive Committee Substitute clarifies where the funding will go, 3/31/10)**

FAVORABLE ON SUBSTITUTE

Councilmember Moore offered a motion to **Approve on Substitute, 7 Yeas.**

Ms. Sally Mills: Deputy Commissioner of the Department of Watershed Management addressed the Committee by stating that the Substitute clarifies where the funding will go.

TO ENTER INTO A CONTRACTUAL AGREEMENT WITH LAZ PARKING/GEORGIA, LLC

10-O-0475 (3)

An Ordinance by Finance/Executive Committee authorizing the Mayor to enter into a Contractual Agreement with Laz Parking/Georgia, LLC, on behalf of the Department of Planning and Community Development, Bureau of Code Compliance, for the lease of thirty-five (35) parking spacets at 211 Trinity Avenue, S.W. for the parking of its fleet vehicles in an amount not to exceed thirty three thousand dollars and no cents (\$33,000.00) determined by the Department of Procurement to be a Special Procurement pursuant to City Code Section 2-119.1 with all contracted Services being charged to and paid from Fund Department Organization and Account Numbers 1001 (General Fund) 250302 (Department) 5223103 (Account) 7450000 (Function Activity); to ratify the provision of Parking Services provided by Laz Parking/Georgia, LLC pursuant to a License Agreement between the parties and for a period of time from 11/1/2008 until such time as the execution date of the new lease authorized pursuant hereto; to waive Code Section 2-1187 (Source Selection Provision) of the Procurement Code for the Non-Procured Lease; and for other purposes.

FAVORABLE

Councilmember Willis asked if the vehicles would be out during the day.

Mr. James Shelby: Commissioner of the Department of Planning and Community Development addressed the Committee by stating that they will be out in the field during the day and bring the vehicles back in the evening. Councilmember Willis asked about parking space at City Hall East. Commissioner Shelby responded that they work out of Planning and the vehicles are a couple of blocks from City Hall. Councilmember Willis asked how many leases are out there. Chairperson Adrean stated that there are some security issues with the vehicles. Commissioner Shelby responded that it had to be in close distance of City Hall (one to two blocks) and it has to be lit up and cheap. We cannot park at the garage or Underground. Councilmember Willis stated that we have a number of spaces that are leased. Is there a more effective way? Is it cheaper to ride the shuttle buses? Commissioner Shelby responded that it is not efficient for the inspectors. Councilmember Willis stated that this is not with the merits of the recession.

Mr. Peter Aman: Mayor's Office Chief Operating Officer addressed the Committee by stating that he agrees and will look into it further. Councilmember Shook stated that

when the Code was amended for Special Procurement as a mechanism, it was supposed to be very special situation. People are getting more comfortable with using it and he is uncomfortable supporting them. Councilmember Martin stated that he keeps hearing that we are losing money with the permits. The Director of Buildings is turning off everyone with his comments. People are saying that they would rather go somewhere else to do business. Councilmember Moore offered a motion to **Approve, 7 Yeas.**

TO WAIVE THE SUBSTANTIAL SIMILARITY REQUIREMENTS OF ARTICLE X

10-O-0491 (4) An Ordinance by Finance/Executive Committee authorizing the Mayor or his Designee to waive the substantial similarity requirements of Article X ("The Procurement and Real Estate Code") of the Atlanta City Code and authorize a Cooperative Purchasing Agreement utilizing Georgia Technology Authority Contract Number 980-280014 with Gartner, Inc. for Research and Consultant Services for one (1) year beginning April 1, 2010 and ending on March 31, 2011 on behalf of the Department of Information Technology in an amount not to exceed seventy-eight thousand dollars and no cents (\$78,000.00) all contracted work shall be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050102 (IT Administration) 5212001 (Consulting/Professional Services) 1535000 (Data Processing/Management Information System); and for other purposes.

FAVORABLE

Mr. Dan Smith: Chief of the Department of Information Technology addressed the Committee by stating that this is from an independent audit of all contracts the City has. This is a summary of the services that Gardner can provide the City. We can do it for the Departments of Aviation and Watershed as well. He can certainly use the help. We have our contracts in the data base. Councilmember Wan asked if the scope is included or is it as you go. Mr. Smith responded that the price includes all of it. Councilmember Wan asked if there is a systematic delivery backing. Mr. Smith responded yes. Chairperson Adrean stated that Acting CFO Council stated that he used it with a former employer and it saved them money. Councilmember Shook asked what requirements are being waived.

Ms. Angela Hinton: Senior Assistant City Attorney addressed the Committee by stating that when you deem something as a sole source, there has to be a written determination. They did not provide the documentation because they could not find it. Councilmember Shook asked how could that be? Senior Assistant City Attorney Hinton responded that GTA has delegated authority to do their own security. The first time they had it was in 2002. They may not have kept the files appropriately. Councilmember Martin offered a motion to **Approve, 7 Yeas.**

TO WAIVE THE SOURCE SELECTION AND PAYMENT PROVISIONS

10-O-0492 (5) An Ordinance by Finance/Executive Committee authorizing the Mayor or his Designee to waive the Source Selection and Payment Provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code, to ratify the prior Provision of Emergency 911 Equipment and Support Services by AT&T Telecommunications for the period beginning March 21, 2008 through March 31, 2010; to authorize an Agreement with AT&T Telecommunications for Emergency 911 Support Equipment from April 1, 2010 through May 04, 2013 for an amount not to exceed eighty-six thousand, three hundred sixty-four dollars and eight cents (\$86,364.08) per month, all Funds to be charged to and paid from Fund, Department, Organization,

and Account Numbers 2151 (Emergency Telephone System) 240207 (APD E-911) 5232005 (E-911 Telephone Expense) 3800000 (E-911); and for other purposes.

HELD

TO AUTHORIZE, RATIFY AND APPROVE AN ACCELERATED AND MODIFIED PROCUREMENT PROCESS

10-O-0518 (6) An Ordinance by Councilmembers Howard Shook, Keisha Lance Bottoms, Yolanda Adrean, Michael J. Bond, Carla Smith, Aaron Watson, Ivory Lee Young, Jr., Alex Wan, H. Lamar Willis and C.T. Martin to authorize, ratify and approve an accelerated and modified procurement process to address the emergency repairs performed and as needed to restore and reconstruct the R. M. Clayton Water Reclamation Center in response to the September 2009 flood, as may be required to meet FEMA requirements and to utilize as much competition as practicable for emergency contracts, pursuant to Section 2-1192 of the City Code of Ordinances; to authorize such work in an amount not to exceed such amounts authorized by the Chief Procurement Officer, pursuant to Section 2-1192; to authorize the Commissioner of the Department of Watershed Management or his Designee to administer an accelerated and modified procurement process for future projects, pursuant to the approval of the Chief Procurement Officer under 2-1192 of the City Code; to authorize the Commissioner of the Department of Watershed Management and the Chief Procurement Officer, or their respective Designees, to execute contracts on behalf of the City of Atlanta for such future emergency services, upon the approval of the City Attorney as to form; to ratify and approve emergency contracts entered into on behalf of the City by the Commissioner of the Department of Watershed Management (and his Designee) prior to the date of this Ordinance, as procured according to FEMA requirements; and for other purposes. **(Finance/Executive Committee Conditional Passage of receiving the work done today of the \$55 million dollars, 3/31/10)**

FAVORABLE ON CONDITION

Mr. St. Pierre stated that this is for the Emergency Procurement process. We have the Code that covers an Emergency Procurement. On the scale of disaster it is an adequate process. Councilmember Shook stated that it would help to explain it in the actual contract including the damage and how quickly you have to do it. Mr. St. Pierre responded that on September 22 we were flooded on the Bolton Road side in 12 feet of water. All motors and power trains were destroyed. We had to pump it out with the generators we had. We asked the Chief Procurement Officer to declare it an emergency and he responded quickly. A remarkably amount of work was done upfront. As we transferred from the immediate emergency, we were into the permanent restoration of the plant. Councilmember Shook asked if there were fines or penalties. Mr. St. Pierre responded no. Councilmember Martin stated that he is concerned with how you go about selecting the contractors. Mr. St. Pierre responded 80% to 90% were vendors we had contracts with already. Councilmember Martin asked why Synagro pulled in around \$7 or \$8 million dollars. Mr. St. Pierre responded that the plant was sitting for two weeks and we had to get the plant into performance. Councilmember Martin asked if you conform to any EBO, etc. Mr. St. Pierre responded that we tapped into the ones that already had agreements. Councilmember Martin asked for the Minority Participation that took place. Was the landfill cost included? Mr. St. Pierre responded that they factored that in. Councilmember Martin asked about Blackened Beach. Don't they have an issue about squeezing sludge out of it? Mr. St. Pierre responded

that they do produce methane. Recently we looked at powering with methane. Councilmember Martin asked how much was the Emergency? Mr. St. Pierre responded \$55 million dollars and \$31 million dollars have been invoiced today. We had to restore the plant because it is operated manually. Around 85% of it is FEMA money. Councilmember Martin stated that is a lot of money to spend on an Emergency procurement. Mr. St. Pierre responded that he has not seen this magnitude of disaster in the City before. Councilmember Moore wants to give thanks to all of the workers. Were there pictures taken? Mr. St. Pierre responded that he would provide the pictures. Councilmember Moore stated that the whole plant was under water. R.M. Clayton is the largest facility in the southeastern United States. Do they include the repairs at Clayton as well as other facilities? Mr. St. Pierre responded yes, there was a trunk line that was washed as well as three pump stations. Councilmember Moore asked if this is the totality. Mr. St. Pierre responded that all funds have been allocated to cover the \$55 million dollars and there won't be any other papers for it. Councilmember Moore asked about the accelerator. Mr. St. Pierre responded that it was not elevated. The water was completely contaminated. Councilmember Moore stated that we still smell it. Mr. St. Pierre responded that we are doing everything we can. Councilmember Shook asked for a running score sheet. What are the targets annually for future capital work? Has it been exceeded? Councilmember Martin asked about Sutton in Cobb County. Councilmember Moore stated that she does not know if Cobb owns it or not. The smell comes from Clayton, not Sutton. Councilmember Martin stated that he took some pictures. Councilmember Watson offered a motion to **Approve on Condition of receiving the work done today from the \$55 million dollars, 7 Yeas.**

TO EXECUTE AMENDMENT NUMBER ONE (1)

10-R-0497 (1) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Amendment Number One (1) to the specialized Temporary Services Agreement, between the City of Atlanta and Comsys Information Technology Services Inc., d/b/a Tapfin Process Solutions, on behalf of the Department of Information Technology, to add funding in an amount not to exceed one hundred ninety thousand dollars and no cents (\$190,000.00); all contracted work to be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 050102 (IT Administration) 5213001 (Consultant/Professional Services – Technical) 1535000 (Data Processing/Management Information Systems); and for other purposes.

FAVORABLE

Mr. Smith stated that Comsys provides specialized services for DIT. We operate the Data Center. Councilmember Moore offered a motion to **Approve, 7 Yeas.**

TO ADOPT THE CITY OF ATLANTA FIVE YEAR FINANCIAL PLAN

10-R-0594 (2) A Resolution by Finance/Executive on behalf of the Council of the City of Atlanta, Georgia adopting the City of Atlanta Five Year Financial Plan; and for other purposes.

FAVORABLE ON SUBSTITUTE ON CONDITION

Councilmember Moore offered a motion to **Approve on Substitute on Condition of Council providing the numbers, 7 Yeas.**

TO AUTHORIZE A PAY FOR PERFORMANCE PAYMENT

- 10-O-0308 (1) An Ordinance by Councilmembers C.T. Martin, Aaron Watson and Michael Julian Bond to authorize a Pay For Performance Payment to all City Employees covered under the General Employee Salary Schedule that receive a rating of Effective or Better for FY 2010; and for other purposes. **(Held, 2/10/10)**

HELD

TO SUBMIT THE CITY OF ATLANTA RETIREMENT REVIEW – PHASES II & III PLAN DESIGN AND FINANCIAL IMPACT REPORT

- 10-C-0056 (1) A Communication by Mayor Shirley Franklin submitting the City of Atlanta Retirement Review – Phases II & III Plan Design and Financial Impact Report. **(Held, 1/13/10)**

FILE

Councilmember Moore offered a motion to **File, 7 Yeas.**

TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT

- 10-R-0172 (2) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into a Cooperative Purchasing Agreement pursuant to §2-1606 of the City of Atlanta Code of Ordinances, with IBM Corporation, Inc. in an amount not to exceed \$153,217.67 over a three year period; to be charged to and paid from FDOA 5501 (Airport Revenue Fund), Department 180107 (Department of Aviation, Aviation Information Services), Expenditure 5213001 (Consultant Professional Services) Technical, Functional Activity 7563000 (Airport) (\$106,928.34) 0000 (Default) 00000000 (Default) 00000000 (Default) and from Fund 5502 (Airport Renewal and Extension Fund), Department 180107 (Department of Aviation, Aviation Information Services), Expenditure 5213001 (Consultant Professional Services) Technical Functional Activity 7563000 (Airport) (\$46,289.33) 0000 (Default) 00000000 (Default) 00000000 (Default); and for other purposes). **(Held, 1/27/10)**

FILE

Councilmember Moore offered a motion to **File, 7 Yeas.**

TO PROVIDE FOR THE ANNEXATION OF PROPERTY AT 1199 ROXBORO DRIVE

- 10-O-0393 (3) An Ordinance by Councilmember Howard Shook to provide for the annexation of property located at 1199 Roxboro Drive to the corporate limits of the City of Atlanta, Georgia pursuant to the 100% method; to authorize the Law Department to seek preclearance from the United States Department of Justice and to notify for Georgia Department of Community Affairs of such annexation; and for other purposes. **(Held, 2/24/10)**

HELD

Mr. Peter Andrews: Senior Assistant City Attorney addressed the Committee by stating that the quarterly CDP meeting will be held on tomorrow.

TO GRANT AMNESTY ON LATE FEES, PENALTIES AND INTEREST

10-O-0401 (4) An Ordinance by Councilmember C.T. Martin to grant amnesty on late fees, penalties and interest for unpaid parking tickets; to provide that no additional fees, penalties or interest shall be assessed against the obligor for late payments; to repeal conflicting Ordinances; and for other purposes. **(Held, 2/24/10)**

HELD

Senior Assistant City Attorney Andrews stated that we have not received the information from the Parking Company.

TO TRANSFER THE PROPERTY LOCATED AT 695 PONCE DE LEON AVE, N.E.

10-O-0502 (5) An Ordinance by Councilmember Kwanza Hall authorizing the Mayor to transfer the property located at 695 Ponce De Leon Ave, N.E. also known as City Hall East to the Atlanta Development Authority; to authorize the transfer of the contracts associated with the property; to authorize the Mayor to execute a Quitclaim Deed transferring the property to the Atlanta Development Authority upon the closing of the property; and for other properties. **(Held, 3/10/10)**

HELD AND SUBSTITUTED

Chairperson Adrean stated that we have a Substitute. The biggest change is the cost being down to \$12 million dollars. Mr. Bennett stated that we amended the price to account for the potential change. Councilmember Moore offered a motion to Hold on Substitute because we just got the Substitute today and the cost is less \$1 million dollars. Some of the Exhibits are incomplete or missing. Councilmember Martin stated that we need to be suing them. Senior Assistant City Attorney Andrews responded that it is a minimal of \$12.5 million dollars. There are a lot of questions regarding the contract and we are working through them. Other parties are in default. Councilmember Willis asked about the earnest money. The response to that is to put them into default. Senior Assistant City Attorney Andrews responded that the earnest money has been spent. Councilmember Wan stated that he heard from ADA and he is concerned that there is no provision to cover their costs or legal fees. Senior Assistant City Attorney Andrews responded that we have had discussions regarding their covered costs. We plan to make them whole for their expenses. Councilmember Moore stated that the Intergovernmental Agreement is missing from them. Senior Assistant City Attorney Andrews responded that the City is transferring the \$12.5 million dollars to ADA. That transaction is separate from this one. We get it after we negotiate the sale. Councilmember Moore stated that it needs to be spelled out. ADA does not do it for free. Councilmember Watson asked about the future revenues. Senior Assistant City Attorney Andrews responded that ADA will get it from Beltline, Inc. Beltline Parks is in need of maintenance funds. Councilmember Watson asked for more information on that. Senior Assistant City Attorney Andrews responded that the City is selling CHE for \$13.5 million dollars and on the back end the City cannot enter into an Agreement. The City will not receive any profits on the back end. Councilmember Martin asked if we are giving \$13.5 million dollars to ADA. Councilmember Moore added that we will spend nearly \$1 million dollars for parks maintenance. Senior Assistant City Attorney Andrews responded that it would cover some of the major cost and since it is in the Beltline area, ADA will give it to them. Councilmember Shook stated that we need to go into Executive Session. Councilmember Watson stated that does not relate to the \$13.5 million dollars on the back end. Councilmember Moore asked if we can do it after we finish the items on the agenda. Councilmember Martin stated that he agrees. The \$13.5 million dollars is different. This is stupid. Senior Assistant City Attorney Andrews responded what is left on the table is \$27 million dollars. What we will discuss in Executive Session is the current contract. Councilmember Martin stated

that we need to finish the ADA conversation. Mr. Aman stated that the Administration wants to move this forward with the timing of the jail sale. We came up with a negotiation. Councilmember Martin stated that the new partners are saying that they are going to do wonderful things with the building. Mr. Aman responded that would be wonderful. We have an excess of \$14 million dollars and we want to get the cash. Councilmember Watson stated that this has gotten sticky. Senior Assistant City Attorney Andrews responded that Sole Source has nothing to do with this Agreement. Councilmember Martin stated that the new partners are piggybacking. Senior Assistant City Attorney Andrews responded if the City was doing it with a third party, it would need a procurement process. Councilmember Moore stated that there is no way she would move from her position of the money being paid for the debt it was proposed for. It needs to reduce the amount of debt on the new Public Safety building. We have loans that were taken out. Mr. Aman responded that the intent is to offset other capital needs. Councilmember Wan stated that he sees two different issues. We have the policy and he wants to move forward with the sale. Mr. Bennett responded that there needs to be some kind of certainty around the budget. We have had meetings to work out the issues. We also have meetings with Jamestown. Chairperson Adrean stated that if we don't vote on it, it won't exclude you from having your meeting. Mr. Aman responded that he does not call it artificial. Chairperson Adrean stated that the Public Safety building was tied in with CHE. This transaction is a balance sheet transaction. Councilmember Moore stated that we discussed it from the beginning of time. Chairperson Adrean stated that it was in every document that she read. Mr. Aman responded that we are dealing on cash flow. You could pay down debt, etc. Councilmember Shook stated that if we don't sale CHE, there is nothing to fight about. The paper can be brought up, but he would like for there to be a dialogue. Councilmember Wan asked if we Hold it today, could we bring it up April 19th at Full Council meeting. Councilmember Shook stated that he wants to know what information the people want. Councilmember Moore stated that the paper is not complete. Councilmember Watson stated that he is concerned regarding the use of funds. He has questions about the balance of funds. Who is ADA going to use to maintain the Parks? Will it be the City? Have we set up revenue streams for Beltline Parks and not the other Parks? Councilmember Martin stated that the Agreement has a bunch of holes in it. Senior Assistant City Attorney Andrews responded that the \$1.5 million dollars is impact fees left over from Ponce Parks to help with stormwater, etc. The City would do a project for those funds. Councilmember Martin stated that Section B has blanks. Chairperson Adrean offered a Substitute motion to move Forward with no Recommendation. Councilmember Moore voted no on the Substitute motion. That means that we will end up faring this out on the Council floor. That is a messy way to handle it. Chairperson Adrean offered a motion to move **Forward with no Recommendation, 3 Yeas, 3 Nays**. The motion to **Hold on Substitute, 4 Yeas, 2 Nays**. Councilmember Shook stated that he will call it up, but all of the information should be provided first.

TO AUTHORIZE THE LEASE/PURCHASE OF THE ATLANTA DETENTION CENTER TO FULTON COUNTY

10-O-0503 (6) An Ordinance by Councilmember Ivory Lee Young, Jr. authorizing the Lease/Purchase of the Atlanta Detention Center to Fulton County; authorizing the City Attorney to prepare the necessary documents to effectuate the approved terms; authorizing the Mayor to execute the necessary documents; and for other purposes. **(Held, 3/10/10)**

HELD

Ms. Deborah Green: Chief Judge addressed the Committee by stating that she is here to talk about the pending sale of the jail. We are not trying to throw a monkey wrench into the sale of the jail. The criticism we face is not running a full court because of staffing or courtroom issues. We will have Judges that will not have a place to hold Court. We will have 9 Judges soon and only 8 courtrooms. We will have more Judges

than Courtroom space. Councilmember Moore asked if you want us to consider leasing three Courtrooms instead of four. Judge Green responded that we would have to rotate that Judge in if we don't. It would be an innovative process. How do you choose? Councilmember Moore asked if there are some issues or if we are creating some.

Mr. David Bennett: Mayor's Office Policy Advisor addressed the Committee by responding yes, Fulton County wants four Courtrooms. Councilmember Wan asked if we lease four Courtrooms, there will be a Judge without a courtroom. Judge Green responded that we hoped to create and take care of the issue this upcoming budget year and staff would be able to work full time. Councilmember Wan stated that you could still have the staffing problem. Councilmember Moore asked currently how many Judges are there. Judge Green responded, seven courtrooms with staff and ten Judges. Councilmember Moore asked what is the difference? Judge Green responded that we have been under constant criticism of having Judges that are not working full time. Councilmember Watson asked if there is a backlog of cases. What can he refer to for the commentary quality of services? Judge Green responded that we are providing the services. We cannot run a Court if we are not staffed. We don't have a tremendous backlog, but there is annoyance from the public.

Ms. Duriya Farooqui: Mayor's Office Deputy Chief Operating Officer addressed the Committee by stating we have the number of days for traffic and criminal cases. To dispose traffic cases in 2008 it was 97, in 2009 it was 72 and 2010 it is 26. To dispose criminal cases in 2008 it was 59 days, 2009 it was 54 and 2010 it is 22 days. Councilmember Moore asked if the days are comparable. Ms. Farooqui responded that the time frame has tripled. In the past it took shorter days. She will provide the print out. Court capacity currently has seven courtrooms that operate and they operate on four calendar days. The Judges work Monday thru Thursday. Each Judge doesn't have its own courtroom. We are in conversation with Court Operations. We are looking at ways to accommodate the Judges with fewer courtrooms.

Continuing, Mr. Bennett stated that we have five different options. Our preferred option is shutting the jail down. The original document projected a \$71 dollars a day debt rate and the new proposal is paying \$78 to Fulton County. We have removed the \$400 cap in case we ever need to go over. We have also accounted for the courtroom space and the tunnel separately as a charge back amount. The numbers show that the jail has a cost of \$600 million dollars or more over the last 15 years. Page #2 gives the five options. We looked at a 50/50 split of operating cost and debt. That business module has different challenges. There are a number of complexities and challenges with that. All of it has to be negotiated and managed. The sale/lease option is a better rate. We could not arrange a joint venture of any kind. Page #3 shows the consumption of use. Page # 4 shows that there is a net savings of \$132 million dollars. He went back and looked at if we hired 750 Police Officers, you would need 172 new beds. We adjusted it to remove the cap for the flexibility to work with Fulton County. If you choose to manage the cost down, you may look at housing them in a cheaper facility. Commissary sales this year is about \$700,000. It goes into a Trust Fund and not daily operations. Fulton County is currently paying \$36 a day to Hall County. The Corrections Department got numbers for housing the federal government. Next question is what happens if everyone retired instantly. It would help us pension wise because of extensive penalties. The original goal was to cover debt service. It was also mentioned that the current model of the jail is not what people are building today. Mr. Bennett stated that Councilmember Martin asked about raising the roof, the answer from the construction company is no, it was not designed to be raised for expansion. Councilmember Moore stated that she wanted to thank Senior Assistant City Attorney Coleman and Senior Assistant City Attorney Andrews for meeting met with her and going page by page to address her concerns. She then asked about the February 15th procurement contract report of roof repairs. Mr. Bennett responded that the \$2 million dollars includes about ten items and one is tearing off the roof. Senior Assistant City Attorney Andrews added that there was a patch job done when it was leaking, but now it needs to be replaced. Mr. Bennett added that it is about \$500,000. Councilmember Moore stated that there is a blank in Section 7.5, Special Covenant of the number of

employees. Mr. Bennett responded that 298 are on payroll, but we have budgeted 300 positions. Councilmember Moore asked about the City detainees that were in the Atlanta Detention Center. Is the number up to 300 or 400? Senior Assistant City Attorney Andrews responded up to 400. Councilmember Moore asked if we are leaving an option of getting a cheaper contract. Senior Assistant City Attorney Andrews responded that we could go somewhere else. Mr. Bennett added that Fulton County's need is not to fill it up. There will be a surplus of available beds. Councilmember Moore asked if the City has the ability to house with other entities. Could they sub lease? Senior Assistant City Attorney Andrews responded that we have to make sure that this is the primary facility. They have to get our consent. Councilmember Moore asked about Article 3.2 in the Inmate Services Agreement. Mr. Bennett responded that there is not a place for each single Corrections employee. We are still talking to Corrections about it. It may be one person or more. Councilmember Moore asked who will stay behind to do this. Ms. Farooqui responded that we are still working through the numbers. Existing employees could take on the contracts. Councilmember Moore asked if there is any indication from the County regarding the employees. Mr. Bennett responded that we do not have an answer yet. We can't guarantee anything. Councilmember Moore stated that she is concerned with the future of the employees.

Ms. Sherry Dickerson: Commissioner of the Department of Human Resources addressed the Committee by stating that when employees are displaced we have set up programs for replacement in other jobs. Councilmember Moore asked if there have been any discussions. Commissioner Dickerson responded no we haven't yet. Councilmember Watson asked about the Debt Service. Acting CFO Council responded that the last payment is December 2030. Councilmember Watson asked if there are any payments after the end of the lease. Mr. Bennett responded that we would not have any. Councilmember Watson asked if that is what our proceeds amount to. Mr. Bennett responded that we are getting in return the savings in operational costs. Councilmember Martin asked if there is a list of employees by seniority. Commissioner Dickerson responded that the actuary would determine the numbers when they review the records. Councilmember Martin asked if you have been asked to put a list together. What criteria are you selecting from? Senior Assistant City Attorney Andrews responded that Fulton County will interview the Officers first before going outside. Councilmember Martin asked about the Riff process. Commissioner Dickerson responded that we are working on that as well as working with pension. Councilmember Martin stated that we have a financial advisor. Who is that person? Mr. Bennett responded that we ran the numbers through the CFO and the staff of the Finance Department. Councilmember Martin asked why are we paying the consultants. Acting CFO Council responded that the Consultants are First Southwest. We do not bring the financial advisors into operational numbers because they have very little insight of what we are trying to achieve. Councilmember Martin stated that they are full of Bonds. The Rating Agency should have an interest in it. What percentage are the Bonds? Acting CFO Council responded that we are not selling Bonds or managing Bonds. They have already been in place. We use them for the collateral that we have. We don't bring them into when we have existing Bonds unless there is refinancing. When we seek advice from them there have already been issues. Senior Assistant City Attorney Andrews added that we had conversations with the Bond Counsel regarding the swap of collateral of property. There is no change in the structure of the Bonds for the jail. We are still paying them off. Councilmember Martin stated that three people were part of the regime. Ms. Farooqui responded that she worked with the previous Administration. Councilmember Martin asked if there is any kind of family relationship with Dave Edwards. Ms. Farooqui responded no. She was not involved in the structure of this deal. She was brought on in her new capacity. Councilmember Martin asked who has the title to the jail. Senior Assistant City Attorney Andrews responded that the City through GMA. Councilmember Martin asked if he was in the original part of the deal. Senior Assistant City Attorney Andrews responded, yes. The title will stay in the City's name until the lease/purchase take place. They will pay \$10. Councilmember Martin asked going back to CHE, Jail and Detention Center, how many Councilmembers are here now that was on the Finance Committee. Councilmember Moore responded three. Councilmember Martin asked if we will vote on it today without

any conditions. Chairperson Adrean stated that we have had six hours of Work Sessions on it and want to move on it today. Councilmember Martin stated that some of the County Commissioners are not ready to move on it. He hopes that it does not go on the Consent Agenda. The question was raised about the last conversation and if the Committee appointed by President of Council will have an opportunity to report to Full Council. We may have to go into a Committee of the Whole. Timing is one of the issues to address. The Administration wants it to be a part of the Budget. Councilmember Martin stated that there are conversations going on everyday. He wants to hear the direction the Mayor wants us to go. Councilmember Young stated that there have been a number of conversations on the jail and dramatic cuts. There was too much intervention from the Executive Branch. It should have been better defined by the Attorneys and Judges. We would be irresponsible to write off the courtrooms and not make provisions. Judge Green is retiring in the next two months. Many of the Judges want to restore our judicial system. He is supportive of this transaction. Councilmember Bond stated that he is concerned about a relative of his that started with him in 1989. He is not supportive of this transaction. We should work in the accommodation of Fulton County. On the Summary page there are five different options. They have not done an analysis. They have not even asked them about the joint venture proposal. He asked other Commissioners of Fulton County and they were interested. He had conversations with Commissioner Darnell and she was interested. The Administration has not asked. If this passes out of this Committee, it won't be addressed until the next Full Council meeting on 4/19/10. The residents will be paying twice for the same piece of real estate. We have 300 persons who have given diligent service to the City. We need to make sure to pursue every option before putting the people out on the streets. The Marshalls and INS want to be in our facility. They want to be downtown and closer to the Courts. We need to pursue that first before selling. Why would we farm out detainees when we have a building across the street? He has spoken with former Commissioner Pocock and one of the things omitted from his statement of any jail operation is that it is not profitable. This is a policy decision. In 2001 the City broke a 30 year agreement. It was not until the previous Administration started dumping the arrestees into the Rice Street jail. We need to make sure that our decisions are sound policy decisions as well as a budget decision. We are picking up the pieces from the previous Administration. The contracts paid for the services before Chief Sizer came aboard and stopped them. Chairperson Adrean stated that the question before us is if we want to be in the jail business or not because it is not part of our Charter. Councilmember Moore asked Councilmember Bond if he had discussions with Fulton County about option #5. We had some soft discussions about it. Councilmember Moore asked about the U.S. Marshals' interest. Councilmember Bond stated that they are negotiating with ICE. The working relationship with former Chief Sizer made it impossible. Councilmember Moore stated when the audit was done it was stated that whatever the cost was, we weren't charging enough. Councilmember Bond asked how much money does it cost for justice or for a fireman to put out a fire. What is the real value of that? If you want to provide the services there is no cost.

Ms. Leslie Ward: Internal City Auditor addressed the Committee by stating that the question is whether outside agencies were willing to pay the full cost for bedding. When we did the audit we found that several years before the City documented its allowable costs, they would not pay for overtime. The allowable cost was higher than what the Marshals would pay. It is a negotiation. Our full cost was in the \$91 or \$92 dollars a day range and the allowable amount was in the 70's. Councilmember Bond stated that the Marshals cost has gone up, but the City did not have the ability go back and negotiate on an annual basis. Councilmember Martin stated that throughout this process he has no opinion about this jail. It is clear about what information is shared that speaks to if it is a good deal or not. If this turns out to be not the best of information, it should be clear of the faces who made the request? We don't have researchers at the level of the Administration. It is important of the quality of information we receive to make a decision. We hoped to come out with the best interest of everybody. City Council gets bad information and gets blamed for it.

Mayor Kasim Reed: addressed the Committee by stating that he wanted to thank the Committee. It is important to move along the path of the jail. We are no longer able to carry a \$30 million dollars annual loss. We should not put the Corrections Officers at risk. If there is any data that is inappropriate or inaccurate he would speak with the Councilmembers. He wants to move forward with this. A vote by this body is not a permanent vote. It moves on with the overall budget. We will have to make hard decisions for eliminating employees and making arrangements for them. We are doing it for an economic cost. He hopes that since we have a team to work on the negotiations, we will get better information and move this along. In terms of deals, we don't have an interest on an exotic deal. City Hall East is a five-year old deal that never got closed. There is no economic deal with having a loss. If we decide as a team today we can get the loss down to less. We are partners with Fulton County. They are in the exact position with their jail as we are with our Water and Sewer Consent Decree. From a budget standpoint we have listened to you regarding not including the jail and CHE and not raising taxes. If those are the parameters you want, we would have to reduce the workforce. If there is a better deal he would welcome it. This vote today doesn't close the book on this transaction, but moves it forward for maximum options. Every dollar will remain by the Legislative Branch and decided by Council. We are on a time line that is moving toward making decisions. We have offers to house the jail for \$44 a day and he is not interested in that. If he has to present two budgets, he will. He thanked the Committee for their consideration. Councilmember Moore asked about timing. What do you anticipate happening between now and April 19th? Would April 19th be the day to move forward? Mayor Reed responded that we have a team for the negotiations. Until there is a vote, the team does not have the power to get a deal done. He would ask Council President Mitchell to convene the group for the purpose of negotiations. He will brief Council consistently. He would put full resources together to answer questions. Once Council negotiates, he would call Chairperson Eaves to get an Agreement consistent with this Council's wishes. Councilmember Moore asked if it will occur before April 19th. Mayor Reed responded that there is a path that we would be guided by where the CFO will close in a timely manner. He wants complete transparency. If there is a question about the data, he would work until Council is satisfied. He thinks this is the path to protect the employees. If this does not occur we will lay off a substantial amount of employees. This is the direct path to go. Councilmember Martin asked if we put the \$13 million dollars from sale of CHE and the savings of \$30 million dollars from the jail, we initially should have a capital outlay of \$2 million dollars and pay down the Bonds. Is there any other cost to pay out? Acting CFO Council responded no. It is \$5.1 million dollars a year to pay out. Mayor Reed added that the \$2 million dollars is a one-time cost for repairs at the jail. Councilmember Martin asked if maintenance is in the figure. Acting CFO Council responded that all of it is included in the total cost. Councilmember Martin asked if we projected a \$50 million dollars shortfall, what would be the shortfall after the sale of the jail and CHE. Chairperson Adrean stated that there will be savings from employees, utilities, etc. The savings is about \$30 million dollars annually. Councilmember Martin stated that in two years we will save \$25 million dollars. These two deals do not cure our pains. Mayor Reed responded that there is a total of \$48 million dollars and the Administration has identified revenues of \$5 to \$7 million dollars and Bonds of \$5 to \$8 million dollars without raising taxes and reducing a significant amount of staff. Atlanta has not had capital investment in three years. We are also investing in our pension and healthcare. Councilmember Martin reiterated about timing. Mayor Reed responded that right now there has been no vote and no right to speak with the Fulton County Chairperson. Councilmember Willis stated that he has issues with the use of the Courts. We should consider #1 the tunnel. Any access from detainees in the building should have limitations. He disagrees with the Court's efficiency. The former Mayor's Advisor was not his advisor and he did not want to get into an email debate with him. The discussion is erroneous. Mayor Reed responded that he did not agree with his analysis of the Court's efficiency. Councilmember Willis stated that he agrees with the transaction of the jail. Mayor Reed responded that he has met with the leadership of the Courts. They will have use of the Courtrooms. The Courts will be involved with the discussions. A vote does not matter until the final passage. All of the discussions have been wonderful. Councilmember Shook offered a motion to send Forward With No

Recommendation. Councilmember Martin stated that he is glad about the spirit of the Mayor to come over and speak. He wants you to inform your people not to misuse their power as your power. It does affect his thinking. Mayor Reed responded that he would look into it.

Mr. Dave Walker: addressed the Committee by stating that the Chair has changed and she should just chill out. You seem uptight to the citizens. We have had Mayors to talk to Councilmembers before. He then stated that Councilmember Bond has given you the case. There are things that you don't know. Make the Administration wait and calm down. There is no difference between this Mayor's Advisor and the former Mayor's Advisor. This is a yard sale because nothing is authorized. We want a peaceful resolution.

Ms. Stephanie Ramage: of the Sunday Paper addressed the Committee by stating that less than a month ago we listened to Solicitor Raines Carter and Judge Deborah Green. They put together their numbers on the efficiency of the Courts. We saw a loss in the efficiency. The numbers do not coincide. It is important to consider them separately on their own merits. Mr. David Bennett has stated that we are bound to the debt. There is something to be accomplished from buying the jail. She has become an advocate for the people at the jail. She stated that ICE or the Marshall's were hold or sending detainees to a facility in Northern Alabama not speaking to their families. The jail relies on the revenues from the ICE contracts. The Fulton County jail is under a Consent Decree. Every single jail in Atlanta is at capacity. If you have jail space you have a commodity. If you don't have much money you hold on tight to the resources you have. We have 1300 beds and 300 inmates. That is an internal efficiency. The way the jail is designed it requires more staffing. We have not looked at the market ability of the space or the internal efficiency. We have not consulted with the Financial Advisors. If you are a Department Head your loyalties are with the Mayor. There has been in the press a constant discussion of if we need the jail. The real efficiency will be shedding 300 employees.

Officer Jack English: who has been with the Department of Corrections for twelve years addressed the Committee by stating that this body and the Executive Branch are making it easy to crunch numbers. It is not about Bonds or real estate. It is on the backs of the employees. We rely on our pension. This is a one legged stool. Between now and July 1st expectations is another Neal Street situation. People have thousands of sick time hours that they have not used. The weight of what can happen is that we have an opportunity for bed space. These numbers are skewed. This was not broken in 2003. Councilmember Willis asked if we will have a sick out or if it will be a safety issue. Officer English responded no, we will not create that scenario. Councilmember Willis stated that it is the decision of your counterpart who will put you in that situation. You should like to have a good recommendation in order to go somewhere else. That is not the way to influence us. He knows it was not said as a threat. It is his interest to ask the Mayor to make sure that does not happen. We don't want to be put in that position. Officer English responded that it makes sense to be concerned about the likelihood. We may get to a point that we don't have adequate staffing. He would be asked to do something that is not safe. If the intent of Council is for Fulton County to hire current Correctional Officers there should be something put in writing. There is not enough emphasis on the employees. Councilmember Willis stated that he will always ask questions. He is for the best interest of the City. Officer English responded what has not been addressed is when APD makes an arrest and there is an injury. He has issues about Officers being at Grady. You may lose some of your Police force because they would be the ones to do it. There has been nothing said about the pension penalty. We have been left out as employees. Councilmember Moore asked about who will be kept. Mr. Bennett responded that those two functions would stay. There is an administrative function and the responsibility for the detainees before they go to the jail. There is a contract at the hospital already in place. It would be through Fulton County or through us. Councilmember Moore stated that she wants a full understanding of that. She doesn't want any Police Officer babysitting a prisoner. Mayor Reed responded that we would identify the number needed to do that task and

we will retain that amount of Officers. We would also have a smaller number to stay and it would be part of the negotiations. Councilmember Moore asked if they have to be Sworn Officers. Mayor Reed responded that he is not sure, but it would be a small number of Officers. Councilmember Moore asked about the pension penalties; Council did not approve the pension penalty papers because the cost was adding up. We understand that people will use their sick time if they are leaving,

Officer Ricardo Santos: of the Department of Corrections addressed the Committee by stating that he has been with the City 20 years. We had two jails and they were sabotaged. Sergeant Ellis Williams warned the Council of Chief Sizer. The former Mayor wanted to get rid of the jail and this is big business. This is fortune 500 business. This jail could pay for itself and more if you use your imagination. We already knew we were wasting money. Why didn't you bring in an auditor to show how to make money? There are so many ways to make money. The information given leads to the decision they want to make to close the jail. For the last eight years we have been dealing with persons with mental health issues. The other jail was given away for the Gateway 24 hour Center. This was a service that the City was providing. What about guaranteeing employees a job instead of worrying about 400 bed spaces? It is just as important as the inmates. If you decide to go with Fulton County, negotiate our jobs with them. To have a thousand hours saved up of sick time is a loyal employee. There is a cost of safety, etc. Fulton County will not be able to handle it. Corrections is in this predicament because of mismanagement and manipulation.

Ms. Priscilla Doggett: Acting Chief of the Department of Corrections addressed the Committee by stating that we have excellent staff at the facility and she feels confident that the majority of her staff will continue to come to work in the face of adversity. During her two years she has faced adversity. I know that this is an emotional time, but it is a challenging time for Correction Facilities across the country. Corrections was never designed to make money. Former Chief Sizer is responsible for bringing her here. She stands here today and stands behind the decisions that have been made, which have been uncomfortable. In 60 days we will be given an accreditation. She makes no excuses for the things that have been done. She understands the decisions that have to be made. Atlanta has challenges as the population increases. There will have to be decisions made to address those. Please move forward. She came to give back, she is originally from the south and remembers the challenges. Councilmember Martin stated that Ms. Farooqui was giving out bad information regarding the Courts. He asked Mr. Bennett for a flow chart. It was not a national standard as to how former Chief Sizer got here, it was an appointment. A lot of mean spirited things went on. The employees have been faithful. The loyalty should be to the employees of the City. There has been a lot of pain endured by the people at the Department of Corrections. We should respect the process of the debate. We should keep the focus. It is about money. Either way it is going to be the employees that will have to go. It is time out of balancing budgets on the backs of the employees. We are using our facilities as a mental hospital. There are increasing problems with the gangs. Anyone of us can fall into disarray where your job is taken away. If people feel that you really tried, it eases the pain. He has heard a lot from the Work Sessions. This is not structured financially. He is not sure we have all the tools we need, but we need to continue to search. Councilmember Watson stated that he wants to join some of his colleagues with voting on this. He then asked about page #2 regarding option #3. He is focused on the 5th option, which turns out to be the best option. The sale/lease option is not the best as said by others. He wants to know if that is the fall back position of the Administration. He wants to make sure that we are talking about the same thing. Mayor Reed responded that his Administration has not championed option #5. He stayed because he wanted to hear from the employees. It is his desire that the Committee advances this proposition for the best transaction possible and protect as many employees as possible. We need to protect and preserve as many jobs as possible. He has no desire in firing employees, but he has a fiscal responsibility to have a balanced budget. He wants to share that the reason the prison industrial complex is a multimillion dollar facility is because they cut jobs and benefits. We can go company by company to show that they do not treat their employees the same. That is how the company makes a profit. They use contracted

people and they have a profit model. It is his responsibility to look at all of the options. The vote today will keep all of the options open and protect the City of Atlanta. Councilmember Moore stated that she talked with the auditor about if the Substitute could be looked at by her. She wants the Auditor to look at the issue related to the Courts, to make sure we are getting the value. Ms. Ward responded that she has not looked at the terms of this deal, but she would. Councilmember Moore asked Ms. Ward if she would provide a copy of where we are right now. What things should we be looking at? Chairperson Adrean asked if there is a member from the Detention Center that is a member of the team. Mayor Reed responded, no. He will make a way to include them. Councilmember Martin asked that a member of the union be added and a Judge as well. Mayor Reed responded that he is comfortable with a union member being on the team. Councilmember Martin asked what is the law on earned sick leave? Commissioner Dickerson responded that only annual and comp time leave is paid for non-exempt employees. Chairperson Adrean stated that these are trying times. It is extraordinarily uncomfortable. The actions do not reflect on you as employees. Councilmember Martin stated that we are where we are now by not listening to the concerns. No comments are nonsense. This is affecting the employee's lives. Councilmember Shook offered a motion to move **Forward With No Recommendation on Substitute, 7 Yeas.**

ITEMS NOT ON AGENDA

TO AUTHORIZE THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS

10-O-0598 (1) An Ordinance by Finance/Executive Committee authorizing the City of Atlanta to waive the Competitive Procurement Provisions contained in Article X of the Procurement and Real Estate Code of the City of Atlanta Code of Ordinances for Parsons/EGM, JV, for FC-7568-03, Program and Construction Management Services for the Quality of Life Bond Program, by extending the term of the contract until December 31, 2010 and providing additional funds to the sixth term of the contract on behalf of the Department of Public Works, in an amount not to exceed six hundred ninety nine thousand six hundred seventy four dollars and thirty three cents (\$699,674.33); all contracted work shall be charged to and paid from various Fund, Department, Account and Center Numbers; and for other purposes.

FAVORABLE ON FIRST READ

Chairperson Adrean stated that she wants to see what \$699,000 is being used for.

Ms. Katrina Taylor: of the Mayor's Office addressed the Committee by stating that she would make sure that the scope is available next week. It is a continued scope.

AN AMENDED AND RESTATED FOURTEENTH SUPPLEMENTAL BOND ORDINANCE

10-O-0599 (2) An Ordinance amending and restating the Fourteenth Supplemental Bond Ordinance of the City of Atlanta adopted on July 6, 2009 (09-O-1099) as amended by a First Amendment to Fourteenth Supplemental Bond Ordinance adopted on September 8, 2009 all of which provides for the supplementing of the restated and amended Master Bond Ordinance of the City of Atlanta adopted on March 20, 2000 (99-O-1896), as previously amended and supplemented; to provide for the issuance of Airport General Revenue Bonds, Series 2010A (The "Series 2010A Bonds"), and to provide for the issuance of Airport Passenger Facility Charge and Subordinate Lien General Revenue Bonds,

Series 2010B (The Series 2010B Bonds” together with the Series 2010A Bonds, the “Series 2010A/B Bonds”), in the combined aggregate principal amount of not to exceed \$800,000,000; to provide funds to finance or refinance, in whole or in part, the cost of the planning, engineering, design, acquisition and construction of certain improvements to Hartsfield-Jackson Atlanta International Airport, including certain capitalized interest during construction, to provide for a reasonably required Debt Service Reserve, and to pay expenses relating thereto; to authorize and approve the preparation, use and distribution of an Official Statement in connection with the offer and sale of the Bonds; granting the Mayor the authority to deem final the Preliminary Official Statement for purposes of Securities and Exchange Commission Rule 15c2-12; granting the Mayor the authority to approve and execute a Final Official Statement; approving the forms of a continuing Disclosure Agreement, a Bond Purchase Agreement, and certain other Agreements in connection with said Bonds; authorizing the conduct of a Public Hearing as required by Internal Revenue Code Section 147(f), the negotiation and purchase of Municipal Bond Insurance and the selection of a Bond Insurer with respect to all or a portion of said Bonds, if determined to be in the best interest of the City, designating a Paying Agent and Bond Registrar; to provide for the form of the Bonds and for the execution of the Bonds; to provide for the place of payment of the principal of and interest on the Bonds; to amend the Debt Service Reserve requirement for Airport Passenger Facility Charge and Subordinate Lien General Revenue Bonds; and for other purposes.

FAVORABLE ON FIRST READ

TO PROVIDE THE SELECTION OF INVESTMENT BANKING FIRMS

10-R-0600 (1) A Resolution by Finance/Executive Committee to approve the selection of Investment Banking Firms for the Underwriting of upcoming City of Atlanta Airport Financing Transactions; and for other purposes.

FAVORABLE

Chairperson Adrean stated that this paper will be Held as a Companion Paper to 10-O-0599. Senior Assistant City Attorney Andrews stated that it does not need to be Held. It is for the Underwriters selection and moves as one with the Bond project. Councilmember Martin stated that he will vote against it because he has concerns. The book managers can give what percentage they want to co-managers. Where are the Southwest Financial Advisors?

Ms. Carmen Pigler: Chief of the Office of Debt and Investment addressed the Committee by stating that the CFO appointed a Committee to select the Underwriters. They were picked from the Departments of Aviation and Watershed Management. Southwest did not have any input with selecting the Underwriters. Councilmember Martin stated that he has a problem with this. Chairperson Shook stated that this is a different transaction from the previous one. The work is more spread out. Councilmember Martin stated that he does not concur with this. It is not fair. Councilmember Shook offered a motion to **Approve, 5 Yeas, 1 Nay.**

Concluding, Chairperson Adrean stated that a Work Session will be held on April 20th at 10:00 a.m. to 12:00 p.m. regarding the EBO. The budget schedule has been handed out with the Substitute package.

ADJOURNMENT

Having no further business before the Committee, the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

Roosevelt Council, Acting CFO

Charlene Parker
Recording Secretary

“The Department of Finance... because customer service is important to us.”