

The Regular meeting of the Finance/Executive Committee of the Atlanta City Council was held Wednesday, October 27, 2010, at 1:00 p.m. in Committee Room #2, City Hall South, 2<sup>nd</sup> Floor.

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

Stefan Jaskulak, Deputy 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, C. T. Martin, Alex Wan, Howard Shook, Aaron Watson and H. Lamar Willis. Other Departmental staff was present as well.

The Agenda was adopted as printed with one walk in. The minutes of the Finance/Executive Committee of September 29, 2010 and Work Session regarding Watershed Management on September 30, 2010 were adopted as well.

### **DISCUSSION ITEMS**

#### **1. CHARTER AMENDMENT – MAYOR’S OFFICE**

Chairperson Adrean stated that the Department is not ready to discuss this item.

#### **2. UNAUDITED RESULTS – FINANCE DEPARTMENT**

**Mr. Stefan Jaskulak:** Deputy CFO addressed the Committee by stating that the General Fund Reserves include actual numbers for 2009, 2010 and a glimpse of 2011 numbers. We ended 2009 with \$7.383 million dollars in the General Fund Reserves. The unaudited 2010 number with a surplus from Operations of \$67.957 million dollars and 25% will be reallocated to the Capital Finance Fund. It increases the General Reserves by \$50.968 million dollars with a total of \$58,631. 2011 numbers will have two numbers that will cancel each other out. It is for property taxes and business licenses. For the first few months of 2011 you will see that. There is a line item in the budget for additional Reserves of \$27.480 million dollars, which is 5% of the budget with a reduction of \$9.918 million dollars with a surplus of \$17.562 million dollars and 25% moved to the

Capital Finance Fund. It ends with a projection from June 30, 2010 of \$71,532 million dollars. Chairperson Adrean stated that we had \$27 million dollars added. Mr. Jaskulak responded that it was to balance the budget. Chairperson Adrean stated that it was deducted from the \$67 million dollars. Councilmember Watson asked what are the projected Reserves?

**Ms. Carol King:** Chief of Budget and Fiscal Policy addressed the Committee by stating that it is \$27 million dollars. Councilmember Watson asked if we are below or above? Ms. King responded \$27 million dollars. Councilmember Watson asked if it is the added back amount. Ms. King responded that it is the same number. It is what we were expecting to see. CFO De Foor added that was a concern from our Outside Auditors. The Auditors have not expressed any concerns.

**Mr. John Gaffney:** Contractor for Financial Reporting addressed the Committee by stating that the \$27 million dollars is the total fund of the Reserves. Chairperson Adrean stated that we already spent \$10 million dollars of it and had to allocate 25% to clean up the Capital Finance Fund. What is the outcome for 2011? Will these numbers hold up. CFO De Foor responded that she is cautiously optimistic. Things will probably be better if the market stands up. Chairperson Adrean asked when will the Auditors have a report? Mr. Gaffney responded that he is the Audit lead and we gave them a deadline and wanted the CAFR by mid November. They have made a lot of progress. We wrote our own financials.

Continuing, Mr. Gaffney stated that the Fund Balance increased by \$68 million dollars. Year to year revenues increases primarily in the property tax line. Councilmember Willis asked if there is an adjustment in property taxes due to the appeals.

**Mr. Gary Donaldson:** Director of the Office of Revenue addressed the Committee by stating that the adjustments are reflected. Mr. Gaffney stated that revenue year to year increased by \$50 million dollars. Property tax was slightly offset by licenses and permits. Chairperson Adrean stated that Mr. Donaldson did a good

job of being conservative. Councilmember Wan stated that he is concerned regarding the Debt Service. Ms. King stated that the budget included principle and interest for Underground. Councilmember Wan stated that the original payment was for \$48 million dollars and we budgeted \$21 million dollars. Ms. King responded that we had to reclassify where we budgeted a lot of interest in the principle line. Councilmember Willis stated that he believes in the transparency. Councilmember Watson stated that he agrees with Councilmember Willis. He then asked about the Intergovernmental line. Ms. King responded that the majority is the Reserve amount of \$58 million dollars with a difference of \$27 million dollars in the Non-Departmental Reserves.

### **3. MONTHLY REPORTS – FINANCE DEPARTMENT**

Ms. King stated that the month of August's General Fund Revenues are \$53.7 million dollars and the Actuals were \$42 million dollars. It was attributable to the tax receipts. Expenditures were \$93.2 million dollars and Actuals were \$78.4 million dollars. Public Safety is underbudgeted by 10% due to vacant positions. General Government Departments (Parks, Recreation and Cultural Affairs and DIT) was 15% underbudgeted. Chairperson Adrean asked if August numbers are straight lined amortization. The step increase does not jump in until January. Would it also be because we have not hired the 100 Officers? CFO De Foor responded that we will provide more sophistication in the future. We will develop some trend analysis. Councilmember Moore stated that there are a lot of vacant positions, etc. There were initiatives that were added. She is not able to tell if we did any of those yet. CFO De Foor responded that is part of the enhanced reporting. On a monthly basis we will ask Departments for their programs and progress of their projects. Councilmember Moore stated that she can't decide if we are doing good or not. There is not enough information to go on. Councilmember Watson stated that we put money in for 100 Officers. Are we netting our position? Are we losing more than we are hiring?

**Mr. Peter Aman:** Mayor's Office Chief Operation Officer addressed the Committee by stating that we are making progress. They will come 25 per

quarter. By the end of December we will have hired the 25. There should be no vacancies by the end of December. We will bring the specifics forward. Councilmember Martin stated that 50 Officers came out of JAG. Mr. Aman stated that JAG has been hired through the academy. Councilmember Martin asked if the 25 are coming out of the 100. Mr. Aman responded first we will bring the Personnel Paper forward to create new positions. We are aware of the concerns. Councilmember Martin stated that our dangerous months are November and December. Mr. Aman responded that he is concerned about the 911 Center. We are doing well with filling those positions. We are moving as rapid as we can. Councilmember Wan asked about fines and forfeits. Are we ahead? He then asked about the sales tax numbers, they are 15% negative. Mr. Donaldson responded that it continues to be a concern. We look at them monthly. It is a high risk. From December to February will give us a good gauge. Chairperson Adrean asked about traffic tickets. When will we see the first quarterly report? Ms. King responded November 10<sup>th</sup>.

### **CONSENT AGENDA**

#### **TO WAIVE THE PAYMENT PROVISIONS**

- 10-O-1860 (1) An Ordinance by Finance/Executive Committee waiving the Payment Provisions contained in the City of Atlanta Code of Ordinances, Article X, Procurement and Real Estate Code to ratify the prior provision of Hardware Maintenance and Support Services by International Business Machines under an expired Agreement for the period beginning July 1, 2010 through November 15, 2010 for an amount not to exceed one hundred seven thousand, seventy-seven dollars and thirty-five cents (\$107,077.35); to authorize the Mayor or his Designee to enter into an Appropriate Cooperative Purchasing Agreement with International Business Machines utilizing General Services Administration Contract Number GS-35F-4984H for Hardware Maintenance and Support Services beginning November 16, 2010 through June 30, 2011 for seven (7) months an amount not to exceed one hundred forty-nine thousand, nine hundred eight dollars and thirty-four cents (\$149,908.34), with two (2) one-year renewal options beginning July 1, 2011 in, for an annual amount not to exceed two hundred fifty-six thousand, nine hundred eighty-five dollars and sixty-nine cents (\$256,985.69) to be charged to and paid from 1001 (General Fund) 050212 (IT Server Management) 5213001 (Consulting/Professional Services-Technical) 1535000 (Data Processing/Management Information System); and for other purposes.

#### **FAVORABLE ON FIRST READ**

**TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA**

10-O-1892 (2) An Ordinance and **Charter Amendment** by Finance/ Executive Committee to amend the Charter of the City of Atlanta, Georgia, 1996 GA Laws P. 4469, et seq. adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1 et seq., as amended, by amending Part 1 (Charter and Related Laws), Subpart A, (Charter), Article III (Executive), Chapter 5 (Civil Service System), Section 3-507 (Modification of Pension Plans), so as to remove superfluous language which conflicts with language contained in certain Pension Plans maintained by the City of Atlanta, and to remove the limitation on benefits applicable to certain Pension Plans maintained by the City of Atlanta; to repeal conflicting Ordinances; and for other purposes.

**FAVORABLE ON FIRST READ**

Chairperson Adrean asked if it is ready for advertisement.

**Mr. Larry Stokes:** Research and Policy Analyst addressed the Committee by stating that the Clerk's Office is ready to advertise. You have one more opportunity to do that before the Second Read. Chairperson Adrean stated that there was a White Paper attached to **10-R-1892**. Councilmember Moore stated that we discussed bringing forth a Resolution before we advertise.

**TO AMEND THE CITY OF ATLANTA GENERAL EMPLOYEES' PENSION FUND**

10-O-1893 (3) An Ordinance by Finance/Executive Committee to amend the City of Atlanta General Employees' Pension Fund so as to modify certain limitations on benefits pursuant to changes in the U.S. Internal Revenue Code to repeal conflicting Ordinances; and for other purposes.

**FAVORABLE ON FIRST READ**

**TO AMEND THE CITY OF ATLANTA FIREFIGHTERS' PENSION FUND**

10-O-1894 (4) An Ordinance by Finance/Executive Committee to amend the City of Atlanta Firefighters' Pension Fund so as to modify certain limitations on benefits pursuant to changes in the U.S. Internal Revenue Code to repeal conflicting Ordinances; and for other purposes.

**FAVORABLE ON FIRST READ**

**TO AMEND THE CITY OF ATLANTA POLICE OFFICERS' PENSION FUND**

10-O-1895 (5) An Ordinance by Finance/Executive Committee to amend the City of Atlanta Police Officers' Pension Fund so as to modify certain limitations on benefits pursuant to changes in the U.S. Internal Revenue Code to repeal conflicting Ordinances; and for other purposes.

**FAVORABLE ON FIRST READ**

**REGULAR AGENDA**

**TO WAIVE THE SOURCE SELECTION PROVISIONS**

- 10-O-1781 (1)            An Ordinance by Finance/Executive Committee authorizing the Mayor or his Designee to waive the Source Selection Provisions contained in the City of Atlanta Code of Ordinance, Article X, Procurement and Real Estate Code to ratify the prior provision of services with Scott & Sons Holdings, LLC., for FC-4690, Zaban Recreation Center Improvements; to allow for full payment of said services in an amount not to exceed \$444,000; and for other purposes. **(Finance/ Executive Committee Substitute include the FDOA, 10/27/10)**

**FAVORABLE ON SUBSTITUTE**

Chairperson Adrean stated that we have a Substitute.

**Mr. Paul Taylor:** Director of Park Design addressed the Committee by stating that we will be hosting the event next November. We have been working with Zaban Center for a year and a half. We have to dip into the 10% Contingency. We discovered the contract had expired from Procurement. This legislation would reenergize the contract. The money is budgeted. Councilmember Moore stated that somewhere this has to stop. We have spent too much money on Oracle. Departments should know when contracts expire. We should know or we are just pitiful. The vendors may need to check to see if their stuff is updated. Councilmember Watson offered a motion to **Approve on Substitute. 7 Yeas.**

**TO ACCEPT A DONATION FROM THE ATLANTA HAWKS**

- 10-O-1875 (2)            An Ordinance by Councilmember Yolanda Adrean **as Substituted by Finance/Executive Committee (1), 10/27/10** authorizing the Mayor, on behalf of the City to accept a donation from the Atlanta Hawks of a computer application by Novologic, Inc., valued at approximately one hundred thousand dollars and no cents (\$100,000.00), to be used by the Department of Parks, Recreation, and Cultural Affairs for on-line registration for Programs offered to the Public and Camp Best Friends; and to utilize the Special Procurement Provisions contained in the City of Atlanta code of Ordinances Article X, Procurement and Real Estate Code so as to procure additional novologic modules valued at approximately seventy-five thousand dollars and no cents (\$75,000.00) to expand the functionality of the donated registration system in a manner that is compatible with the donated application; and for other purposes. **(Finance/ Executive Committee Substitute changes the FDOA numbers and the amount, 10/27/10)**

**FAVORABLE ON SUBSTITUTE**

Chairperson Adrean stated that we have a Substitute that changes the FDOA numbers and the amount. Councilmember Willis asked about the modules. Mr. Taylor responded that one is to accept the donation from the Hawks for the Recreational Centers. We also have a need for ball fields, etc. This is to get the modules in the works. Councilmember Willis asked if what we are getting up to date modules. Mr. Taylor responded yes, it is online. Councilmember Willis asked if the software is antiquated. Mr. Taylor responded no. Councilmember Wan offered a motion to **Approve on Substitute, 7 Yeas.**

**TO APPROVE TENANT IMPROVEMENTS AT THE GEORGIA HILL NEIGHBORHOOD CENTER**

10-O-1876 (3) An Ordinance by Councilmembers Carla Smith and Kwanza Hall authorizing the Office of Enterprise Assets Management to approve tenant improvements at the Georgia Hill Neighborhood Center and to grant Rent Abatement therefore in an amount no greater than \$2.00 per square foot annually; and for other purposes.

**FAVORABLE**

Councilmember Smith stated that this building has been empty for a long time. We have a daycare in the Grant Park neighborhood where Georgia Hill sits. It is growing rapidly. The owner asked about the space in Georgia Hill because it is two blocks down the street. She needs to put \$30,000 worth of work in that space. We have a toilet and a sink that needs to be revamped. The Grant Park Neighborhood has voted unanimously on it.

**Mr. John Levell:** Director of Real Estate addressed the Committee by stating that it is a standard contract. Our resources are limited in terms what to do with the space and it requires a minimum of \$30,000 worth of work. Councilmember Watson asked if this was previously the library. Mr. Levell responded that the library is still there. Chairperson Adrean asked if the lease document has an amendment. Councilmember Smith responded that the legislation changes the lease. It could be put in as Exhibit A.

**TO EXPRESS THE ATLANTA CITY COUNCIL'S SUPPORT OF THE ECONOMIC AND FINANCIAL LITERACY PROGRAM**

10-O-1877 (4) An Ordinance by Councilmember Keisha Lance Bottoms expressing the Atlanta City Council's Support of the Economic and Financial Literacy Program; to authorize the City of Atlanta to accept monetary and in-kind contributions for the Economic and Financial Literacy Program; to authorize the Chief Financial

Officer to create a Trust Fund Account on behalf of Council District 11 for the deposit of monetary contributions received by the City of Atlanta in connection with the Economic and Financial Literacy Program; and for other purposes. **(Finance/ Executive Committee Conditional passage adds Account Numbers, 10/27/10)**

**FAVORABLE ON CONDITION**

Councilmember Wan offered a motion to **Approve on Condition of getting the Account Numbers, 7 Yeas**. Councilmember Moore asked about the program. Is it grant funded. Councilmember Martin stated that it is a Grant Councilmember Bottoms applied for.

**TO ENTER INTO A COOPERATIVE PURCHASING AGREEMENT**

10-R-1835 (1) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into a Cooperative Purchasing Agreement with CDW Government, pursuant to Sections 2-1602 and 2-1604 of the Procurement and Real Estate Code of the City of Atlanta, utilizing the GSA Contract #GS-35F-0195J, for the purchase of computers and scanners on behalf of the Municipal Court of Atlanta, in an amount not to exceed one hundred ninety-eight thousand five hundred forty-eight dollars (\$198,548); all costs to be charged to: Fund, Department, Account, and Function Activity: 1001 (General Fund), 190101 (Municipal Court Operations), 5222002 (Repair and Maintenance), 2650000 (Municipal Courts); and for other purposes.

**FAVORABLE**

Councilmember Moore offered a motion to **Approve, 7 Yeas**. Councilmember Wan asked where is the listing for \$198,000?

**Ms. Crystal Smith:** of Municipal Court addressed the Committee by stating that there are 90 PCs and 48 scanners.

**Mr. Dan Smith:** Chief of the Department of Information Technology addressed the Committee by stating that he has worked extensively with the Courts. There has been a lot of collaboration. Councilmember Willis asked about a more comprehensive purchasing. Where are we? Mr. Smith responded that the City has 6000 PCs. We need to get a long solution of where we are going with this and how we purchase. Councilmember Willis asked if this will change depending on the next Court Administrator. Mr. Smith responded no.

**TO CORRECT RESOLUTION NUMBER 09-R-0563**

10-R-1861 (2) A Resolution by Finance/Executive Committee to correct Resolution Number 09-R-0563 adopted by the Atlanta City

Council on April 20, 2009, and approved by the Mayor on April 27, 2009 to correct an incorrect Fund Number; and for other purposes.

**FAVORABLE**

Councilmember Willis offered a motion to **Approve, 7 Yeas**. Chairperson Adrean asked who discovered it. Mr. Jaskulak responded that he does not know.

**TO AUTHORIZE THE REEMPLOYMENT OF DARYL A. LOCKHART**

10-R-1862 (3) A Resolution by Finance/Executive Committee authorizing the reemployment of Darryl A. Lockhart as a Records Manager in the Department of the Office of the City Solicitor at Salary Grade 21 \$44,318 pursuant to §3-505(C) of the Charter of the City of Atlanta; and for other purposes.

**FAVORABLE**

Councilmember Willis offered a motion to **Approve, 7 Yeas**.

**TO ISSUE A REFUND TO INFIBANK CORPORATION, FOR AN OVER- PAYMENT OF BUSINESS LICENSE FEES**

10-R-1863 (4) A Resolution by Finance/Executive Committee authorizing the Chief Financial Officer to issue a refund to Infibank Corporation, for an overpayment of Business License Fees in the amount of five hundred fourteen thousand eighty-seven dollars and seventy-six cents (\$514,087.76); all Funds to be charged to and paid from Fund, Department Organization and Account Number 1001 (General Fund) 200301 (NDP Unallocated)-Citywide Employee Expenses) 5730012 (Account Refunds) 154000 (Function Activity Human Resources); and for other purposes.

**FAVORABLE**

Councilmember Martin offered a motion to **Approve 7 Yeas**. Councilmember Shook asked if there was a statue of limitations. Mr. Donaldson responded it is for three years. It was \$686,000. This is what prompted that legislation. We will come back with a cap of \$100,000. Currently it is \$300,000.

**TO UTILIZE GSA CONTRACT #GS-07f-9468V**

10-R-1864 (5) A Resolution by Finance/Executive Committee authorizing the Chief Procurement Officer to utilize GSA Contract #GS-07F-0468V, to purchase a Mobile Command and Surveillance Vehicle, on behalf of the Department of Police, in an amount not to exceed two-hundred three thousand dollars (\$203,000). All costs shall be charged to and paid from a Grant from the United States Department of Homeland Security: 2501 (Intergovernmental Grant Fund); 240101 (General Ledger Department: APD Chief of Police: 5421003 (Expense Account: Equipment \$5,000+): 1320000 (Function Activity Number: Chief Executive): 210352 (General Ledger Project: UASI - APD 2007): 31863 (General Ledger Funding Source: UASI 2007); and for other purposes.

**FAVORABLE**

Councilmember Willis offered a motion to **Approve, 7 Yeas.**

**TO ENTER INTO AN AGREEMENT WITH KONICA MINOLTA BUSINESS SOLUTIONS, USA**

10-R-1865 (6) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor to enter into an Agreement with Konica Minolta Business Solutions, USA, Inc. utilizing the Federal GSA Contract Number GS-25F-0087M for copier lease and maintenance, on behalf of the Department of Watershed Management, in an amount not to exceed twenty-eight thousand, seven hundred sixty-two dollars and eighty-eight cents (\$28,762.88) annually; all contracted work will be charged to and paid from the listed Fund, Department Organization and Account Numbers in the following amounts: 5051 (Water & Wastewater Revenue Fund) 170401 (DWM Water Administration) 5223202 (Operating Lease/Rental-Equipment) 4410000 (Water Administration) - \$23,762.88 and 5051 (Water & Wastewater Revenue Fund) 170401 (DWM Water Administration) 5222002 (Repair & Maintenance-Equipment) 4410000 (Water Administration) - \$5,000; and for other purposes. **(Finance/Executive Committee Substitute changes the number of copiers and the lease terms of the agreement, 10/27/10)**

**FAVORABLE ON SUBSTITUTE**

Chairperson Adrean stated that we have a Substitute to change the number of copiers and the lease terms of the agreement.

**Mr. Jim Beard:** CFO for the Department of Watershed Management addressed the Committee by stating that these machines are already in place. It is for additional expenditures. Councilmember Martin offered a motion to **Approve on Substitute, 7 Yeas.**

**TO ENTER INTO A CONTRACTUAL AGREEMENT WITH A-ACTION VENDING, INC.**

10-R-1866 (7) A Resolution by Finance/Executive Committee authorizing the Mayor to enter into a Contractual Agreement with A-Action Vending, Inc., for FC-5062, Citywide Vending Concession Services, on behalf of the Executive Offices-Office of Enterprise Assets Management, A-Action Vending, Inc., shall remit twenty percent of monthly gross receipts to the City of Atlanta, to be deposited to the Fund, Department Organization and Account Numbers listed herein; and for other purposes. **(Finance/Executive Committee Conditional passage of submitting the internal controls, 10/27/10)**

**FAVORABLE ON CONDITION**

**Ms. Shannon Burton:** of the Office of Enterprise Assets Management addressed the Committee by stating that this is a new contract that was competitively bidded. Councilmember Wan asked what is our annual receipt? Ms. Burton responded over

\$53,000. It has previously been over \$55,000. Councilmember Willis asked how is it audited? Ms. Burton responded that they lease equipment from Coca Cola. We receive monthly receipt copies then they submit funds to the City. Councilmember Willis stated that he is not clear on how we are auditing it. Ms. Burton responded that she will check. Chairperson Adrean offered a motion to **Approve on Condition of submitting the internal controls, 7 Yeas.**

**TO EXECUTE RENEWAL NUMBER 1 WITH JAKE'S NEWSSTAND, LLC**

10-R-1867 (8) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Renewal Number 1 with Jake's Newsstand, LLC, for FC-6007000027, Operation & Management for Newsstand & Concession Services, on behalf of the Executive Offices-Office of Enterprise Assets Management, Jake's Newsstand, LLC, will pay the City a monthly fee of one thousand, three hundred dollars and zero cents (\$1,300.00), to be deposited to 1001 (General Fund), Department 000002 (General Revenue ORG.), Account 3810008 (Building Rental General), Function Activity 000000; and for other purposes.

**HELD**

Chairperson Adrean stated that we have a Substitute to show that the contract had been extended. We have executed the 90-day extension. Councilmember Martin asked where are the machines? Ms. Burton responded that this is for the newsstand downstairs. Councilmember Willis asked what is the analysis to determine that this is a reasonable rate? Ms. Burton responded that she does not know. We did not do an analysis. Councilmember Willis stated that we should use a baseline for a corporate rate. We may be selling ourselves short. Ms. Burton responded that it is based on their gross receipts. Chairperson Adrean stated that our vendors pay \$2,000 per month for a kiosk. Mr. Aman asked if we could Hold it.

**TO CONCERN THE FUTURE OF REGIONAL TRANSIT UNDER THE 2010 TRANSPORTATION INVESTMENT ACT**

10-R-1869 (9) A Resolution by Atlanta City Council of the City of Atlanta, Georgia concerning the future of Regional Transit under the 2010 Transportation Investment Act.

**HELD**

Chairperson Adrean stated that there is a recommendation to Hold this.

**Mr. Ron Shakir:** addressed the Committee by stating that a Public Hearing was held regarding **HB 277**. At the end of the Full Council there was a meeting where the Mayor

came in with Fulton County Commissioner Eaves at the Atlanta Board of Education meeting and it looks like some information is coming. Please don't lose sight of this and have the citizens taxed over and over again. We are getting a raw deal on **HB 277**. The Mayor speaks highly of his relationship with the people at the Dome. His concern should be the citizens of Atlanta. He was at the APS board meeting. With everything going on with APS he hopes that we look at that channel and give insight as parents to help them. We don't have any viewing of the process. Chairperson Adrean stated that there is a Steering Committee and a Project List. The paper will be Held.

**TO SUBMIT RECOMMENDATIONS TO THE ATLANTA DEVELOPMENT AUTHORITY ("ADA")**

10-R-1873 (10) A Resolution by Councilmembers Felicia A. Moore, H. Lamar Willis, Yolanda Adrean, Keisha Lance Bottoms, C.T. Martin, Kwanza Hall, Alex Wan, Aaron Watson, Ivory Lee Young, Jr., and Michael Julian Bond authorizing the City Council of the City of Atlanta to submit recommendations to the Atlanta Development Authority ("ADA") for the use of certain backend proceeds received by ADA in connection with the sale of the property located at 695 Ponce De Leon Avenue, N.E., also known as City Hall East; and for other purposes.

**FAVORABLE**

Councilmember Wan offered a motion to **Approve, 5 Yeas, 1 Nay**. Councilmember Martin asked if any processes have been put in place. Chairperson Adrean stated that this paper relates to the backend money. Councilmember Martin asked about the frontend. Are there any stipulations with Affirmative Action or will they provide by our existing one? Councilmember Willis responded that there is none. The City has no control over developers. The property is going from us to ADA. That is where the challenge comes in. Councilmember Martin stated that we still have a connection to ADA; has the deal been consummated?

**Mr. David Bennett:** Mayor's Senior Policy Advisor addressed the Committee by stating that no the deal won't be signed until late December. The ADA will execute their side of the contract. It will take us through December. Councilmember Martin asked about an Affirmative Action requirement. Mr. Bennett responded that it is not an issue required about who they would contract with. Councilmember Martin asked if we put requirements with Atlantic Station. Councilmember Willis responded that they were different because of how the project was done. It was TAD money. Jamestown is using

private dollars. Mr. Bennett added that the only government money is the Affordable Housing Trust for the rental properties. Councilmember Martin asked what do they want waived? Mr. Bennett responded to modify the Beltline rules for affordable housing. Councilmember Martin asked have you added any new language; who will collect the backend money? Mr. Bennett responded that ADA can keep the \$11.5 million dollars. We are prohibited from giving restrictions. Chairperson Adrean stated that this paper allows us to make a recommendation. The vote on last Monday was the City getting the \$15 million dollars upfront. We don't have a voice per say. Mr. Bennett responded that you can make a suggestion, but not a directive. Councilmember Watson asked if there have not been commitments. Mr. Bennett responded no. We decided when the money became real the Beltline Park would be a good project to offset other expenses. Councilmember Wan stated that this gives him comfort that the structure of ADA is the same. The City has some input. Councilmember Martin asked what if he offered an Amendment requesting that ADA with Jamestown have Affirmative Action requirements. He then stated that he will amend it at Full Council. He was told it is too late to do anything. Councilmember Moore stated that there has not been a closing so we have not seen the \$15 million dollars. This paper talks about the backend proceeds going to ADA. Councilmember Martin asked why not structure it to get support from ADA. Councilmember Moore stated that this money can't come to the City. Councilmember Martin asked if we don't vote on this, what happens? Councilmember Moore stated that they can do what they want.

**TO RETURN DEPARTMENT OF CORRECTIONS EMPLOYEES TO EIGHT-HOUR SHIFTS**

10-R-1882 (11) A Resolution by Councilmember Michael Julian Bond requesting that the Departments of Human Resources, Finance and Corrections Study the Feasibility of returning Department of Corrections Employees to eight-hour shifts; and for other purposes.

**FAVORABLE**

**Chief Labat:** of the Department of Corrections addressed the Committee by stating that 180 days is sufficient for a plan to be put in place. Councilmember Martin offered a motion to **Approve, 6 Yeas.**

**TO AMEND ARTICLE VII DIVISION II OF CHAPTER II OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA**

10-O-0774 (1) An Ordinance by Councilmembers H. Lamar Willis and Alex Wan to amend Article VII Division II of Chapter II of the Code of Ordinances of the City of Atlanta so as to provide that it shall be unlawful for any City Officer or Employee to knowingly and willfully withhold information, make false or misleading statements or to give untrue testimony before any of its standing Committees; to provide that any Officer or Employee who is found to have violated this Provision shall be dismissed from the employ of the City; and for other purposes. **(Held, 4/28/10)**

**HELD**

**TO AMEND THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA CHAPTER 114 (PERSONNEL)**

10-O-0788 (2) An Ordinance by Councilmembers Ivory Lee Young, Jr. and Joyce Sheperd to amend the Code of Ordinances, City of Atlanta, Georgia Chapter 114 (Personnel), Article II (Compensation, Payroll Deductions and Charitable Contributions) and Division 1 (Generally), Section 114-28 (Deduction of Labor Organizations Dues from Salaries). **(Held, 4/28/10)**

**HELD**

**TO AMEND CHAPTER 114, ARTICLE IV, DIVISION 12, SECTION 114-379 OF THE CITY OF ATLANTA CODE OF ORDINANCES**

10-O-0874 (3) An Ordinance by Finance/Executive Committee amending Chapter 114, Article IV, Division 12, Section 114-379 of the City of Atlanta Code of Ordinances entitled "Layoff or Reduction In Force" so as to provide for the use of the Veterans Preference authorized by Section 114-207 during the calculation of retention points; and for other purposes. **(Held, 6/2/10)**

**HELD**

**TO AMEND SECTION 6-637 (C) AND 6-637 (D) OF THE 1978 PENSION ACT**

10-O-0906 (4) An Ordinance by Finance/Executive Committee to amend Section 6-637 (c) and 6-637 (d) of the 1978 Pension Act (Related Laws) of the Code of Ordinances of the City of Atlanta so as to provide New and Non-Vested Members having less than ten (10) years of Creditable Service in the Firefighters Pension Fund, a fifteen (15) year vesting schedule, two percent (2%) Multiplier for all Creditable Years of service, one hundred percent 100% CAP of Average Earnings, to repeal conflicting ordinances; and for other purposes. **(Held, 6/2/10)**

**HELD**

**TO AMEND SECTION 6-222 (C) AND 6-222 (D) OF THE 1978 PENSION ACT**

10-O-0908 (5) An Ordinance by Finance/Executive Committee to amend Section 6-222 (c) and 6-222 (d) of the 1978 Pension Act (Related Laws) of the Code of Ordinances of the City of Atlanta so as to provide New and Non-Vested Members having less than ten (10) years of Creditable Service in the Police Officers Pension Fund, a fifteen

(15) year vesting schedule, two percent (2%) Multiplier for all Creditable Years of service, one hundred percent 100% CAP of Average Earnings, to repeal conflicting ordinances; and for other purposes. **(Held, 6/2/10)**

**HELD**

**TO AMEND SECTION 6-37 (C) AND 6-37 (D) OF THE 1978 PENSION ACT**

10-O-0910 (6) An Ordinance by Finance/Executive Committee to amend Section 6-37 (c) and 6-37 (d) of the 1978 Pension Act (Related Laws) of the Code of Ordinances of the City of Atlanta so as to provide Members of the General Employees Pension Fund, a fifteen (15) year vesting schedule, two percent (2%) Multiplier for all Creditable Years of service, one hundred percent (100%) CAP of Average Earnings, to repeal conflicting ordinances; and for other purposes. **(Held, 6/2/10)**

**HELD**

**TO ENTER INTO AN INMATE AGREEMENT WITH THE SOUTH FULTON MUNICIPAL REGIONAL JAIL AUTHORITY**

10-R-1153 (7) A **Substitute** Resolution by Finance/Executive Committee authorizing the Mayor of the City of Atlanta to enter into an Inmate Agreement with the South Fulton Municipal Regional Jail Authority (The "Authority") for the purpose of Housing Persons charged with or sentenced for a violation of the City of Atlanta Code of Ordinances in the facility operated by the Authority; and for other purposes. **(Referred back by Full Council, 7/6/10); (Held, 7/14/10)**

**HELD**

**TO EXECUTE RENEWAL AGREEMENT NO. 1 WITH MSB GOVERN-MENT SERVICES**

10-R-1663 (8) A Resolution by Finance/Executive Committee authorizing the Mayor to execute Renewal Agreement No. 1 with MSB Government Services, for FC-4678, Financial Collections, on behalf of the Department of Finance, at a compensation rate of 19.8 of the principal amount collected to be charged to and paid from Fund, Department Organization and Account Number 7101 (Agency Fund) 190101 (JDA Municipal Courts Operations) 5212001 (Consulting/Professional Services) 2650000 (Municipal Courts) 202361 (Collection Fee-Accts Recble) 91468 (Agency Fund 9999); 7101 (Agency Fund) 170101 (Commissioner of Watershed Mgt) 5212001 (Consulting/Professional Services); 1320000 (Chief Executive) 202361 (Collection Fee) 91468 (Agency Fund 9999); 7101 (Agency Fund) 190191 (JDA Municipal Court Operations) 5212001 (Consulting/Professional Services) 2650000 (Municipal Courts) 202361 (Collection Fee-Accts Recble) 91468 (Agency Fund 9999), all funds collected will be deposited to Fund, Department Organization and Account Number 1001 (General Fund) 000002 (General Fund Org) 3441102 (Sanitary Service); 1001 (General Fund) 000002 (General Fund Org) 3211002 (General Bus. Licenses); 5051 (Water & Wastewater Revenue Fund) 000002 (General Fund Org) 3442101 (Water Service) 5051 (Water & Wastewater Revenue Fund) 000002 (General Revenue Org) 3442551 (Sewer Services); 505 (Water & Wastewater Revenue Fund) 000002 (General Revenue Org) 3442101 (Water Service)

1001 (General Fund); 000002 (General Revenue Org); 3511717 (Traffic & Parking Fines); and for other purposes. **(Held, 9/15/10)**

**HELD**

**TO CREATE A PARKING PASS PROGRAM**

10-O-1733 (9) An Ordinance by Councilmembers Michael Julian Bond, Joyce Sheperd, Aaron Watson, Keisha Lance Bottoms, H. L. Willis, Ivory Lee Young, Jr., C.T. Martin, and Yolanda Adrean authorizing the Mayor or his designee to create a Parking Pass Program for all duly appointed members of City Boards and Commissions; and for other purposes. **(Held, 9/29/10)**

**HELD**

**TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA**

10-O-1739 (10) An Ordinance by Councilmember Natalyn Mosby Archibong to amend the Charter of the City of Atlanta, Georgia, 1996 Ga Laws P. 4469 et seq. adopted under and by virtue of the Authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1 et seq. as amended, by amending Part 1 (Charter and Related Laws), Subpart A, (Charter), Article III (Executive), Chapter 3 Entitled (City Departments), Section 3-305 of the City of Atlanta's Code of Ordinances by adding a new Sub-Paragraph (d); and for other purposes. **(2<sup>nd</sup> Reading, 1<sup>st</sup> Adoption, 9/29/10); (3<sup>rd</sup> Reading, Final Adoption, Substituted as Amended and Held, 10/13/10 by Committee for additional information)**

**HELD**

**TO ALLOW EXCESS ANNUAL LEAVE AND COMPENSATORY TIME**

10-O-1751 (11) An Ordinance by Finance/Executive Committee to allow excess Annual Leave and Compensatory Time carried forward through the year 2010 pursuant to Ordinance 09-O-1214, to be carried over through the year 2013; to provide that such excess leave time be used by the end of the last pay period of each year through 2013; to repeal conflicting Ordinances; and for other purposes. **(Held, 10/13/10 by Committee pending receipt of Departmental Plans to implement and monitor usage); (Finance/Executive Committee Amendments (1) into the year 2011, annual leave shall not exceed 560 hours (70 days), (2) into the year 2012, annual leave shall not exceed 400 hours (50 days), into the year 2013, annual leave shall not exceed 360 hours (45 days), 10/27/10)**

**FAVORABLE AS AMENDED**

Chairperson Adrean offered an Amendment to change the first line of the Ordinance that (1) into the year 2011 it should not exceed 560 hours, (2) into the year 2012 it should not exceed 400 hours and into the year 2013 it should not exceed 360 hours. They would have 14 months to use their time. The Departments of Fire, Police, Corrections and Public Works will be impacted tremendously without the Amendment.

They would have to use overtime brownouts if staff had to take off. The Department of Corrections said that it would have a terrible impact and Council Senior Staff would have to be off the rest of the year. Councilmember Martin accepted the Amendment. Councilmember Watson asked what is the financial impact such as meeting overtime needs? Commissioner Dickerson responded that it would be difficult. The biggest issue is that we would end up in a shortfall. When you add the additional accrued leave along with the 560 it will create a tremendous amount of leave. Councilmember Wan stated that the only change is in the very first year. Councilmember Martin offered a motion to **Approve as Amended, 5 Yeas, 1 Nay**. Councilmember Moore stated that she supports the Amendment. It gives a lot for more flexibility.

**TO AMEND THE CODE OF ORDINANCES, CITY OF ATLANTA, GEORGIA, CHAPTER 114 (PERSONNEL)**

10-O-1757 (12) An Ordinance by Finance/Executive Committee to amend the Code of Ordinances, City of Atlanta, Georgia, Chapter 114 (Personnel), Article II (Compensation, Payroll Deductions and Charitable Contributions), Division 1 (Generally), Section 114-28 (Deduction of Labor Organization Dues from Salaries); to eliminate the Quadrennial Re-Certification Requirement and Change the Jurisdiction of Employee Organizations; and for other purposes. **(Substituted and Held, 10/13/10; pending meeting with Unions and further consideration); (Finance/Executive Committee Conditional passage of a Substitute on Monday at Full Council, 10/27/10)**

**FAVORABLE ON SUBSTITUTE ON CONDITION**

**Ms. Sherri Dickerson:** Commissioner of the Department of Human Resources addressed the Committee by stating that we made one amendment to the Substitute, which was a technical reference. The CFO has the responsibility for dues deductions. The Substitute changes it from the CFO to the Commissioner of Human Resources to handle the cards. Councilmember Moore asked what is the status? Commissioner Dickerson responded that we had two meetings with Councilmember Martin, AFSCME and PACE.

**Ms. Katrina Taylor-Parks:** Mayor's Office Deputy Chief of Staff addressed the Committee by stating that it was suggested that we meet with both Unions to get on one accord. The first meeting was with Councilmember Martin and Captain Daws. We established that we needed another meeting. In the second meeting there was no Council representation. The Administration stands firm with the legislation, but we will

accept any changes from the four Unions until 12:00 p.m. Monday. We stand behind the current legislation. The issues should be worked out between the two Unions. We received documents from SEIU (parent company to PACE). It was addressed to Gina Pagnatta and they do not support the actions of the Local Union membership here. Councilmember Moore stated that she is confused because the Administration is saying that they want to be in the Union Affairs and you are passing out information for the Unions. Ms. Taylor-Parks responded that it is both. The Code allows for four Unions. We have to manage those we recognize. We are referencing the Union classifications. We acknowledge it and codified it. If they are going after each others memberships is what she is speaking of. We are allowing them to recertify based on their community of interests. Councilmember Moore stated that we don't want to get involved, but we are. We need them to settle this among themselves. The Code is clear at this point. The letter from SEIU is withdrawing support that interferes with AFSCME. Do we have any collective bargaining with anybody? AFSCME spoke to their community interests. If we are not involved going in then changing it is getting involved. Ms. Taylor-Parks responded that we are not getting involved, we want it to stay as is. Commissioner Dickerson added that this sets the framework to operate. It is not crystal clear now. Councilmember Moore stated that the letter is saying traditional community of interest, but you are changing it. Commissioner Dickerson responded she disagrees. The traditional community of interest for ASFCME is for people grade 18 and below. Currently, the Code has an addendum and there was a MOU that spells out the classifications that belongs to PACE. The issue got muddy when cards were turned in and crossed over. Councilmember Moore stated that it got cloudy about what position HR takes. Whose fault is that to allow cross over in community interests. Commissioner Dickerson responded that HR was not auditing the membership between the four year span. Recertification came up this year. We did not process the dues deduction cards. It was processed in Finance, the Payroll Division. The new people in Payroll were not familiar with the rules. Councilmember Moore stated that you don't need to clarify something that is an administrative task. It is not necessary to make an administrative change. Chairperson Adrean stated that she understands that each

Union had a goal to recertify. This legislation allows each of the four to be recognized without having to go through recertification. This is a big help. What came up the last time were dues deductions. We have defined the community interests group. Commissioner Dickerson responded that it is not by pay grade. Chairperson Adrean stated that there is nothing to preclude an employee from joining who they want. They have the freedom to join whichever they want. There are a lot of positives to this legislation. Commissioner Dickerson responded yes, they are. Currently the Code reads both Unions would have lost membership through recertification. Councilmember Moore stated that positivity depends on the side you are on. She is not trying to pick. You can't say that we are staying out of Union business or conflict and then change an Ordinance. She sees contradiction. Why are we making a change? The change for PACE is not positive. You are saying it is based on the pay grade. Employees can be represented by either Union. She has learned what people say and what is in the Code is different. She has not heard anything that is codified. If we are going to stay out of their business, let's do that. We are saying that we have Unions that can't meet certification, but we are now helping them. Commissioner Dickerson responded that is exasperated. Unions have always asked to do away with recertification. PACE has always been a profession organization and AFSCME always represented employees on a lower level. We are clarifying and defining it by pay grade. Councilmember Moore stated that it is already in the Code. She can fall on either side of it. All of them have beneficial interests, but she is not interested in getting in their business. Ms. Taylor-Parks clarified that PACE was established five years ago to represent administrative employees. Councilmember Moore stated that it is easier to get money from dues deductions. What clerical areas can they split. Ms. Taylor-Parks responded paraprofessionals. Councilmember Moore stated that it makes no sense to her. Chairperson Adrean asked about the Substitute. Commissioner Dickerson responded that the language in the Code referred to the CFO, but now it has been changed to HR. HR will collect the cards and make sure they are in proper order. CFO De Foor added that she is okay with it. Councilmember Watson asked for data for effected employees. Commissioner Dickerson responded that she does not, but it does

broaden the community interests for both. Councilmember Watson stated that if there are no affected employees, what is the problem? Commissioner Dickerson responded that there are dues deductions where the Union does not have 50+1 which is the certification requirement. Councilmember Moore asked for more information about the number of employees affected. She stated that she asked for the information at the last meeting. Councilmember Watson asked for the same information.

**Mr. Ray Bill:** of PACE addressed the Committee by stating that 315 members for PACE are 18 and below and AFSCME would be 500 or more. Councilmember Watson asked about grandfathering people in. Commissioner Dickerson responded that it would create some hardship for the Unions. There is some doctrine about representation. She then gave an example.

**Mr. Jesse Jones:** a non-paid President of Local 1644 addressed the Committee by stating that he is a 30 year veteran of the Department of Watershed Management. He has concerns about the community of interests. It is necessary to avoid ratings. We are pleased that the City will drop certifications. AFSCME is 18 and below and PACE is 18 and above.

**Mr. Joe Fortson:** Steward of Local 1644 addressed the Committee by stating that there was a lot of confusion going on. He is getting complaints from both sides. Hopefully, clarifying this legislation will clear things up.

**Mr. Joe Banks:** addressed the Committee by stating that it got to a point where now we are in arbitration. We are bound by the Code.

**Ms. Martha Parker:** addressed the Committee by stating that she is a Union Stewart and a PACE representative put a card in front of her. AFSCME discourages that type of behavior. She does not appreciate the confusion. We have not had this situation in the past. She is asking the Finance Committee to move on this Ordinance.

**Ms. Gwen Gillespie:** addressed the Committee by stating that she is a retired employee. She is part of AFSCME. This should have never happened. This thing has caused problems among the workforce. This is disruptive and it is not necessary. We do not advocate work stoppage. We will provide quality customer service. We want a clear distinctive Union. We did not write the Ordinance for PACE and our members should

not be taken or have to be pulled in opposite directions. We are here in the best interest of the City. Councilmember Moore asked if the language is spelled out where Union crossover can take place. What she said is not in the legislation. The representation is not clarified. Commissioner Dickerson responded that we do not need that type of language in the legislation. That would truly be in the middle of the Union affairs. Why are you talking about how people can be represented? Commissioner Dickerson responded that she thought you were asking what type of representation they provide. Councilmember Moore stated that you said that people could join another Union out of their community of interest. She does not see anything that clarifies it. Commissioner Dickerson responded that the language speaks to dues deductions not representation. Councilmember Moore stated that it needs to be somewhere we can see it. Ms. Taylor-Parks responded that it is based on dues deduction. PACE has 401 and AFSCME has 565. If we move forward that would allow them to keep their current numbers and move forward. Councilmember Moore asked what would be the number if not grandfathered in, ACME would go to 478 and PACE 89. This is not a one-sided thing. She then asked if they would keep the people they have now. Any new people would have to go to their community of interests. This clarification is causing a whole new shift. If this is approved, representation should be spelled out. Chairperson Adrean asked the Law Department if language is necessary. Councilmember Moore asked if it is legal or advisable because of litigation. Chairperson Adrean stated that it is inappropriate to put in language on how they are represented. Commissioner Dickerson responded that there is no limitation to who can represent you.

**Mr. Charlie Flemings:** addressed the Committee by stating that he has been President of the North Georgia Labor Council for the past eleven years. He has worked under collective bargaining while being a 32 year Union member. He has not worked for anyone who has not had community of interests. We talked about what grade levels would be represented by each Union. He thought it was already in the Code. AFSCME had to give up some community of interests since PACE was recognized. There is a process to follow legally. It makes total sense to clarify the community of interests. You can't have people coming in and raiding you, there has to be some guidelines.

**Mr. Richard Ray:** addressed the Committee by stating that he is President of the SEIU. This legislation is not getting into the internal affairs of the Unions. Unions have ways of settling their own disputes. The letter from SEIU was directed more to PACE. Every Union deals with classifications. To set guidelines is part of it. This is the City's way to make it easier. Three of the Unions support this and one does not. At one time there were no dues collected from anyone. This is to make it easier for everyone. Councilmember Moore stated that her involvement was not in the internal issues of the Union.

**Ms. Yvonne Robinson:** of AFSCME addressed the Committee by stating that this is an uncomfortable position to be in. In other places it is not required. She then read an Ordinance from Fulton County. Other Cities have Ordinances of what the representation would be. This is making it clear what their designated Union would be. This does not preclude representation from anyone. It says that this is who the City recognizes. We have worked hard to involve all four Unions. We don't always agree. She included the PACE MOU and lays out the areas in the back of who PACE will represent in it. The members we had were promoted into the PACE pay grade. We have members who wanted to sign up, but we said no because it was un-ethical. Originally, we had all of the City. Councilmember Moore stated that PACE has some grades 18 and below. With the new Ordinance, grade 18 and below will become AFSCME. Ms. Robinson responded the Arbitrator found that there were some discrepancies. Councilmember Moore asked why not stay with the list. Ms. Robinson responded that we are in agreement with it. Councilmember Moore stated that it could rest where it is. Ms. Robinson responded that the grades have changed. We are trying to be precise. We are okay with them keeping who they have. Councilmember Moore stated that we can go by the classifications. We are creating more confusion. Commissioner Dickerson responded that some of the classifications have changed. People who turn in cards have been promoted or left. The muddy waters come from the cards and we have not checked to see if people are still in that classification. Councilmember Moore stated that if you grandfather people in it will be more confusion. Ms. Taylor-Parks responded that we are willing to risk that.

**Mr. Charles Clark:** Executive Director of AFSCME addressed the Committee by stating that 1930 Labor Act foresaw moments like this. They put in play community representation. Many States recognize it and the South also followed after the National Labor Act. Over time there has been some confusion. Over the last two years it has been fraud. He believes that the clearest line is the classified and grade 18 being the cut off. It cuts down on conflict. That is not getting involved in Union business. You have to put in place standards to make it run efficiently. AFSCME is not without pain with the legislation. This is best even if we do lose the dues. He wants to push for the current legislation. Councilmember Moore stated that the majority of the positions were below grade 18. Mr. Clark responded that those which have changed, it includes collective bargaining.

**Ms. Rachel Sumotta:** addressed the Committee by stating that she is the Staff Attorney for PACE and International Brotherhood of Police Officers (IBPO). She has lived with this for a long time now. There is no bigger advocate than Gina Pagnatta. If this legislation is approved, Gina would not be able to collect dues from grade 18 and below. This muddying of the waters have been HR issues. We have a current Ordinance and it should be enforced. She is only here to speak on the effectiveness of PACE.

**Ms. Gina Pagnatta:** addressed the Committee by stating that she has some employees from AFSCME. We are here for the employees. Over the past six years she has been with PACE. She would have been part of AFSCME if this is approved. The letter was to keep her mouth shut. She then stated that she has not seen the letter. She respects you for keeping the City out of Union business. She went out to the field and passed out a list of people who wanted the freedom of choice. She will continue to stand her ground. She is here as a City employee. The employees want to choose what Union they want. The bottom line is deduction of dues. HR has put all applications on Hold for those who voluntarily want to join. According to the current Code we have done 50 plus 1. She is ready for this to end. We gave a proposal, but we did not give a comment. She stated that she told Ms. Taylor-Parks that we are not interested in grandfathering, but to allow us to expand our community of interest. It would be left up to the Union to enroll new members. We want the upgrades to be more modified.

She came out of AFSCME because she did not like the service they were providing. She wants to grandfather all on the list and the current Code that has a classification for each employee as well as expand the community of interest for 50 plus 1. Chairperson Adrean asked if you wanted the grandfathering to go through the recertification process without the formal requirement. The issue is the community of interests. Ms. Pagnatta responded that the original list is outdated. She has not supported this paper. We have not accepted grade 18 and below. She went to Councilmember Ivory Lee Young, Jr. about expanding our certification. We wanted to get together with AFSCME, but we could not come to an admirable solution. This became a problem around the first of the year. We would have ended up with 81 and AFSCME 171. This paper was sneaked onto the Agenda and it will alienate PACE. We want what is fair and equitable. She wants to throw this out and start over. Councilmember Martin asked what are the results of going back?

**Mr. Oscar Tillman:** addressed the Committee by stating that he was displeased with AFSCME. He does not want people to tell him where to spend his money. He does not want to waste his money and want freedom of choice. This is about the employees, not the Unions.

**Ms. Joezette Mullens:** addressed the Committee by stating that PACE did not make her join. She was with AFSCME first. She did not like the representation. She did not like the way they down rated them. We have a freedom of choice. All we want is dues deduction.

**Ms. Sandra Griffin:** addressed the Committee by stating that she wants freedom of choice. She was with AFSCME. She did not receive good representation with AFSCME. She received good representation with PACE. We want to pick our own Union.

**Mr. Greg Brown:** addressed the Committee by stating that he is here to talk about some of the problems. He does not have a problem with AFSCME. In 2008 we voted for someone who was for freedom of choice. Now we are saying we can't pick who we want. He has nothing against AFSCME. When the step process was frozen, the City got involved. Chairperson Adrean stated that there are three issues which are: community of interest, dues deduction, the MOU list and the grandfathering in. Ms. Pagnatta

responded that we would proceed with the grandfathering if we could keep the current list. We do not agree with the grades 19 and above. We want to be allowed the 50 plus 1. That way grade 18 and below would go to AFSCME. She then stated that she does not have the list. Chairperson Adrean stated that it was signed by five PACE representatives. Ms. Pagnatta responded that those classifications have been reclassified. She wants the classifications modified. Councilmember Moore read the MOU for PACE. Ms. Taylor-Parks responded that it allows the 401 membership in PACE to remain regardless of their classification and they would deal with the community of interests. Councilmember Moore read the legislation. Chairperson Adrean stated that she is getting uncomfortable voting on this from information on the original list and the new list. Councilmember Martin stated that you have to negotiate and work things out. We need a Work Session. The interested parties need to go to Committee Room #1 to come to some conclusion with Deputy City Attorney Jerry DeLoach. Ms. Pagnatta responded that we agree with reclassifying. Councilmember Watson stated that there are remaining issues regarding the community of interests. There are some people who used to be AFSCME who are being left out. He agrees with Councilmember Martin with the Unions going to Committee #1 to come to a conclusion. There should be a way to define it. He is not in favor of gutting one group. Councilmember Shook stated that we have seen some differences narrow. He considers sending it Forward Without Recommendation. Chairperson Adrean stated that she wants the Committee to take responsibility. Councilmember Moore stated that she speaks against sending it forward. We need to settle this with a recommendation. Chairperson Adrean stated that they should take a couple of hours to do some work or we will Hold it. Councilmember Martin stated that you need to resolve the differences. Ms. Taylor-Parks responded that the Administration is willing to do that. Councilmember Willis offered a motion to Hold for two weeks. Councilmember Wan stated that he would like to give them the opportunity to do the work. Councilmember Willis stated that when people are pressured to negotiate you get false results. He believes in what is fair and right. Councilmember Moore stated that she wanted to Hold it as well. Councilmember Martin stated that they have had enough time. It is in the

best interest for us to make a decision. Ms. Pagnatta responded that we are willing to go over there, but only with AFSCME. Councilmember Willis stated that this is why he made the motion. It puts everyone in a difficult place. Councilmember Martin stated that the only thing to do is to put the information in writing. The Committee **Recessed at 5:40 p.m., 5 Yeas**. The Committee **Reconvened at 6:00 p.m., 5 Yeas**. Ms. Taylor-Parks stated that we reached an agreement.

**Mr. Jerry DeLoach:** Deputy City Attorney addressed the Committee by stating that he wanted to thank all parties involved. At the end of the day they have to agree with the best interest of the employees. Going forward there were outstanding applications. The ones from January 1<sup>st</sup> to June 15<sup>th</sup> 2010 will be eligible for a community of interest. It will be only for current of community interest and June 16<sup>th</sup> through October 27<sup>th</sup> they will accept dues check off for everybody. There has not been any finalization on the community of interest. Chairperson Adrean asked if it is an Amendment. Deputy City Attorney DeLoach responded yes. We will reconvene on tomorrow or Friday to address more issues. They can come to a resolution of their own after then. Councilmember Watson offered a motion to Approve on Condition of a Substitute by Monday. Ms. Pagnatta responded that we are in agreement for the grandfathering. Mr. Clark added that AFSCME too agrees with that. We also don't agree with the community of interest. There should be some method to the madness. Councilmember Martin thanked Mr. Mark Lawson for recommending Deputy City Attorney DeLoach for being the mediator. Councilmember Moore stated that the uniting is good. She is kind of hearing an undercurrent with the community of interest. If they are not able to resolve it at the Council meeting, it may be the same thing all over again. She will not support the Condition. She has to see it in writing. Councilmember Wan stated that he will support the Condition. He then offered a motion to **Approve on Substitute on Condition, 5 Yeas, 1 Nay**.

**TO SUBMIT THE DEPARTMENT OF WATERSHED MANAGEMENT ADMINISTRATIVE WRITE-OFFS**

10-C-1762 (13)

A Communication by Interim Chief Financial Officer Roosevelt Council submitting the Department of Watershed Management Administrative Write-Offs totaling \$8,068,067.39 in compliance with Ordinance 90-O-1324. **(Referred by Full Council, 10/4/10); (Held, 10/13/10)**

**FAVORABLE**

Mr. Beard stated that this is to write off Accounts deemed collectible. Chairperson Adrean stated that the City Utilities Committee referred it to Finance/Executive Committee and all will vote on it on Monday. Councilmember Shook stated that the paper should go to one Committee. One Committee should not refer it to another. City Utilities gave approval. We were satisfied that this was uncollectible. We ended up supporting the write-off and referring it here. Councilmember Moore stated that you can only refer from one Committee to another. The place it can go from one to another is the Committee on Council. We would have to vote Monday on whether to refer it. We should decide if write-offs should come to Finance/Executive Committee or City Utilities Committee. Chairperson Adrean stated that we requested it. Councilmember Moore offered a motion to **File, 6 Yeas.**

**Mr. Alfred Berry:** Research and Policy Analyst addressed the Committee by stating that the City Utilities Committee approved and forwarded it to this Committee. He understands that the paper is not here. Councilmember Moore asked if it is a Communication. Mr. Berry responded yes. Chairperson Adrean offered a motion to **Approve, 6 Yeas.**

**ITEMS NOT ON AGENDA**

**TO SUPPLEMENT THAT CERTAIN FOURTEENTH SUPPLEMENTAL BOND ORDINANCE OF THE CITY OF ATLANTA**

10-R-1899 (1)      A Resolution by Finance/Executive Committee supplementing that certain Fourteenth Supplemental Bond Ordinance of the City of Atlanta adopted on July 6, 2009, as amended by a First Amendment to Fourteenth Supplemental Bond Ordinance adopted on September 8, 2009 and as further amended by an amended and restated Fourteenth Supplemental Bond Ordinance of the City of Atlanta adopted on October 4, 2010, to, among other things, set forth the terms of (1) the Airport General Revenue Bonds, Series 2010A (The "Series 2010A Bonds") and (2) the Airport Passenger Facility Charged and Subordinate Lien General Revenue Bonds, Series 2010B (The "Series 2010B Bonds", together with the Series 2010A Bonds, the "Series 2010A/B Bonds") within certain parameters previously established by the City including the original aggregate principal amount, interest rates, maturity amounts, maturity dates, redemption provisions and debt service reserve requirement with respect thereto; ratify certain prior actions of the City Council and certain Officers and Agents of the City with respect to the

Issuance and Sale of the Series 2010/A/B Bonds; authorize and approve the preparation, use and distribution of a Final Official Statement in connection with the Offer and Sale of said Series 2010/A/B Bonds; provide an effective date; and for other purposes.

**FORWARD WITH NO RECOMMENDATION**

**Ms. Simone Braithwaite:** Senior Assistant City Attorney addressed the Committee by stating that we are asking that this is moved forward and Held in the Breast of Council. Pricing will be November 4, 2010. And a Special Called meeting will be on November 5, 2010. CFO De Foor stated that on Monday we received an affirmation of GARF rating of A+ and a PFC rating of A with a stable outlook. We got an update from Moody of A-1 rating with a stable outlook for the General Airport Revenue Bonds. This is the first upgrade in 365 days. The last major upgrade was Charleston on October 16, 2009. This puts us good in the market. Councilmember Wan asked what this paper does. CFO De Foor responded that it approves the Issuance of Bonds to complete the Maynard Holbrook Jackson International Terminal. This is the last financing. It is 67% done and all of the underground work is done. This is the last financing to complete the Terminal. This motion approves the Official Statement and the Purchase Agreement. Councilmember Wan asked for the amount. CFO De Foor responded that the General Revenue Airport Bonds of \$160 million and PFC Revenue Bonds is \$413 million dollars. We won't know the amount until the pricing. Councilmember Willis offered a motion to send **Forward with no Recommendation, 5 Yeas.**

**ADJOURNMENT**

Having no further business before the Committee, the meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Stefan Jaskulak, Deputy CFO  
Secretary

Charlene Parker  
Recording Secretary

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