

11-O-1144

(Do Not Write Above This Line)

AN ORDINANCE BY
COMMITTEE ON COUNCIL

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AMONG THE CITY OF ATLANTA, THE ATLANTA BOARD OF EDUCATION AND FULTON COUNTY FOR THE CONDUCT OF A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2011 AND IF NECESSARY A RUN-OFF ELECTION TO BE HELD ON DECEMBER 6, 2011 TO FILL THE VACANCY IN THE ATLANTA BOARD OF EDUCATION DISTRICT TWO (2) POSITION; PROVIDING THAT THE ATLANTA BOARD OF EDUCATION WILL PAY ALL COSTS AND EXPENSES OF THE SPECIAL ELECTION TO FULTON COUNTY AND THE CITY OF ATLANTA; TO APPOINT THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AS MUNICIPAL ELECTION SUPERINTENDENT, FOR THE PURPOSE OF CONDUCTING SAID ELECTION, AS ABSENTEE BALLOT CLERK AND AS MUNICIPAL REGISTRAR; AND FOR SUCH PURPOSES.

ADOPTED BY

SEP 06 2011

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

Date Referred 8/15/11

Referred To: Comm on Council

Date Referred

Referred To:

Date Referred

Referred To:

First Reading
 Committee Committee on Council
 Date 8/15/11
 Chair Shirley H. Moore
 Referred To Committee on Council

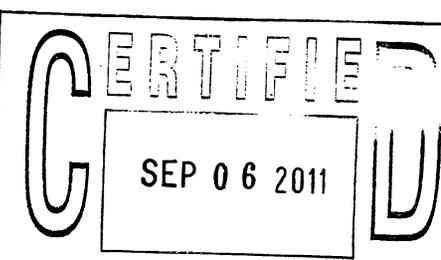
COC Committee
 Date 9/6/11
 Chair Shirley H. Moore
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members
Victor Cephus
James M. Sheperd
Keith
Madison
Chela Henderson
 Refer To

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

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

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

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

CERTIFIED

 COUNCIL PRESIDENT PROTÉM

CERTIFIED
 SEP 06 2011

 MUNICIPAL CLERK

MAYOR'S ACTION

 WITHOUT SIGNATURE
 BY OPERATION OF LAW



**AN ORDINANCE BY
COMMITTEE ON COUNCIL**

11-O-1144

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT AMONG THE CITY OF ATLANTA, THE ATLANTA BOARD OF EDUCATION AND FULTON COUNTY FOR THE CONDUCT OF A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2011 AND IF NECESSARY A RUN-OFF ELECTION TO BE HELD ON DECEMBER 6, 2011 TO FILL THE VACANCY IN THE ATLANTA BOARD OF EDUCATION DISTRICT TWO (2) POSITION; PROVIDING THAT THE ATLANTA BOARD OF EDUCATION WILL PAY ALL COSTS AND EXPENSES OF THE SPECIAL ELECTION TO FULTON COUNTY AND THE CITY OF ATLANTA; TO APPOINT THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AS MUNICIPAL ELECTION SUPERINTENDENT, FOR THE PURPOSE OF CONDUCTING SAID ELECTION, AS ABSENTEE BALLOT CLERK AND AS MUNICIPAL REGISTRAR; AND FOR OTHER PURPOSES.

WHEREAS, on July 26, 2011, the Atlanta Board of Education provided the Municipal Clerk of the City of Atlanta a Resolution passed by the Board of Education on July 25, 2011 announcing the July 11, 2011 resignation of District 2 Board Member Khaatim Sherrer El and the consequent vacancy on the Board, noting that the Municipal Clerk of the City of Atlanta is charged with calling elections in the City of Atlanta and directing the Clerk to call for a special election to fill the Board District 2 vacancy; and

WHEREAS, the Atlanta Board of Education asked that the Special Election to fill the Board District 2 vacancy be held in conjunction with the November 8, 2011 city-wide Special Election for a SPLOST which was previously jointly called by the Fulton County and Atlanta Boards of Education; and

WHEREAS, in accordance with Section 21-2-70 of the State of Georgia Elections Code, Section 2-307 of the City Charter, and Section 66-1 of the Atlanta City Code the Municipal Clerk as Municipal Election Superintendent is authorized to conduct elections in the City of Atlanta and to perform any and all functions, including the qualifying of candidates, required by the Georgia Election Code; and

WHEREAS, the governing authority of the City of Atlanta, the Atlanta City Council, in accordance with Section 21-2-45 (c) (2) of the State of Georgia Elections Code is authorized to authorize the County to conduct elections; and

WHEREAS, the State of Georgia Election Code requires that the municipal election superintendent, the municipal registrar and the municipal absentee ballot clerk be appointed in a public meeting and that the appointment shall be recorded in the minutes of said meeting; and



WHEREAS, the City will incur certain costs and expenses associated with the Special Election and if necessary, the Special Run-off Election which has been requested by the Atlanta Board of Education.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

SECTION 1: There shall be and is hereby called, as of the date of first publication of notice made by the Municipal Clerk as Municipal Election Superintendent, whose appointment is hereby further authorized, a Special Election to fill the position of elected representative for District 2 of the Atlanta Board of Education, (the "Special Election") to be held in accordance with the Georgia Election Code, on November 8, 2011; and if necessary a Run-off Election (the "Special Run-off Election"), on December 6, 2011, or such other date as may be designated by the Secretary of State.

SECTION 2: In accordance with the provisions of this Ordinance, the Municipal Clerk, as the Municipal Election Superintendent for the Special Election, and if necessary the "Special Run-off Election, is authorized to undertake such duties as are necessary to accomplish the holding of the Special Election.

SECTION 3: The Municipal Clerk/ Election Superintendent, in accordance with Section 21-2-132 of the State of Georgia Elections Code, did hold qualifying of candidates on August 3, 4, and 5, 2011 with said dates set to comply with Board of Education Charter Section 2-109 (e) and with the qualifying fee set at \$444.00.

SECTION 4: The Atlanta City Council, in accordance with the State Election Code hereby appoints the Fulton County Board of Elections, with the Office of Registration and Elections acting as its agent, as municipal election superintendent, municipal registrar and municipal absentee ballot clerk all for the purpose of conducting the Special Election to fill the Atlanta Board of Education District 2 vacancy.

SECTION 5: The City Attorney is hereby directed to negotiate and prepare an appropriate contract, substantially in the form attached, among the Atlanta Board of Education, Fulton County and the City, for execution by the Mayor, which shall specify among other things that the Atlanta Board of Education shall pay all reasonable costs incurred by the City or the Municipal Clerk/ Election Superintendent in conducting the requested Special Election.

SECTION 6: The Mayor is hereby authorized to execute an appropriate contractual agreement with Atlanta Board of Education which shall specify that the Atlanta Board of Education will pay all reasonable costs incurred by the City or the Municipal Election Superintendent in conducting the Special Election.



SECTION 7: No later than 60 days after the Special Election or the Runoff for the Special Election, if held, the Municipal Clerk is directed to determine the costs and expenses incurred by the City or the Municipal Election Superintendent pursuant to the contract for conducting the Special Election and to send an invoice to the Atlanta Board of Education charging the Board with all of the costs and expenses incurred.

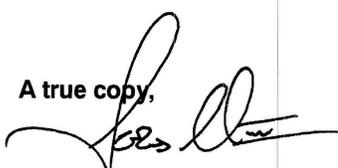
SECTION 8: The Chief Financial Officer and the City Attorney are hereby directed and authorized to take whatever steps are necessary to collect any and all amounts invoiced to the Atlanta Board of Education pursuant to this Ordinance.

SECTION 9: It is expected that the contract with the Atlanta Board of Education will be executed, and in furtherance of requirements set out in the Georgia Election Code, the Municipal Election Superintendent has set the dates and times for qualifying in accordance with the Georgia Election Code and the qualifying fee has been set at \$444.00.

SECTION 10: The contract with the Atlanta Board of Education shall not become binding on the City and the City shall incur no liability upon same until such contract has been signed by the Mayor and delivered to the contracting party.

SECTION 11: Should any part of this ordinance be declared unconstitutional or unenforceable in a court of law, that it shall be severed from this ordinance and all such parts not declared unconstitutional or unenforceable shall remain in full force and effect.

SECTION 12: That all ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

A true copy,

Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Sept. 6, 2011
Sept. 15, 2011

RCS# 1390
9/06/11
5:14 PM

Atlanta City Council

REGULAR SESSION

11-O-1144

ENTER INTO CONTRACT W/ABE AND FULTON CO
TO CONDUCT SPECIAL ELECTION 11/08/11
ADOPT

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 1
ABSENT 1

NV Smith	E Archibong	Y Moore	NV Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	NV Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	B Mitchell

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