

11-0-1567

(Do Not Write Above This Line)

AN ORDINANCE  
BY FINANCE/EXECUTIVE  
COMMITTEE

AN ORDINANCE TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN THE ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT, AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY, TO EXECUTE AN AGREEMENT WITH WELLS FARGO BANK, N.A. (FORMERLY WACHOVIA BANK, N.A.), FOR THE CONTINUATION OF BANKING SERVICES ON BEHALF OF THE DEPARTMENT OF FINANCE ON A MONTH-TO-MONTH BASIS FOR A PERIOD NOT TO EXCEED TWELVE MONTHS; TO IDENTIFY SOURCE OF PAYMENT FOR FEES; TO RATIFY THE PRIOR PROVISION OF BANKING SERVICES BY WELLS FARGO BANK, N.A. UNDER AN EXPIRED AGREEMENT; AND FOR OTHER PURPOSES.

As Amended  
ADOPTED BY

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

Date Referred

11/7/11

Referred To:

Finance/Exec

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Date

Finance/Executive 11/16/11

Chair

Date

Action

Other

Fav, Adv, Hold (see rev. side)

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

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

CERTIFIED

CERTIFIED  
NOV 2 1 2011

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
NOV 2 1 2011

Rick Douglas  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 30 2011

WITHOUT SIGNATURE  
BY OPERATION OF LAW



**AN ORDINANCE  
BY FINANCE/ EXECUTIVE COMMITTEE**

**AN ORDINANCE TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN THE ATLANTA CODE OF ORDINANCES, ARTICLE X, PROCUREMENT, AUTHORIZING THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY, TO EXECUTE AN AGREEMENT WITH WELLS FARGO BANK, N.A. (FORMERLY WACHOVIA BANK, N.A.), FOR THE CONTINUATION OF BANKING SERVICES ON BEHALF OF THE DEPARTMENT OF FINANCE ON A MONTH-TO-MONTH BASIS FOR A PERIOD NOT TO EXCEED TWELVE MONTHS; TO IDENTIFY SOURCE OF PAYMENT FOR FEES; TO RATIFY THE PRIOR PROVISION OF BANKING SERVICES BY WELLS FARGO BANK, N.A. UNDER AN EXPIRED AGREEMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") entered into an agreement with Wachovia Bank, N.A., for FC-6006007879, Banking Services, pursuant to Resolution 06-R-1638 adopted by the City Council on August 21, 2006 and approved by the Mayor on August 29, 2006; and

**WHEREAS**, effective December 31, 2008 Wells Fargo Bank, N.A. completed its purchase of Wachovia Corporation, resulting in all subsidiaries known as Wells Fargo & Company ("Wells Fargo"); and

**WHEREAS**, the agreement was for a period of three (3) years, with two (2) one- year renewal options at the City's sole discretion; and

**WHEREAS**, upon recommendation by the Chief Financial Officer and the Chief Procurement Officer, the City Council approved Resolution 09-R-0471 which authorized the execution of a first renewal with Wachovia Bank, N.A., and

**WHEREAS**, Wells Fargo has performed the contracted services satisfactorily; and

**WHEREAS**, the banking services contract between the City and Wells Fargo is currently expired; however, Wells Fargo has continued to provide services to the City under its expired contract.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows**

**SECTION 1:** The Mayor is hereby authorized to execute an agreement with Wells Fargo N.A. for continuation of its current banking services, at the same price currently charged per the expired agreement (the "Wells Fargo Extension").



**SECTION 2:** The City's actions in accepting and paying for services provided by Wells Fargo under its expired banking services agreement are ratified and confirmed from the time of the expiration of Wells Fargo's agreement with the City through the date of execution of the Wells Fargo Extension. In no event shall this ratification apply after the effective date of the new contract.

**SECTION 3:** The fees associated with each account will be paid from the interest generated from that account. In the event that the fees exceed the interest earnings, the fees will be paid from the fund linked to that account.

**SECTION 4:** The Wells Fargo extension shall continue on a month-to-month basis for a period not to exceed nine months after the Wells Fargo Extension is fully executed by the City.

**SECTION 5:** The City Attorney and/or Chief Procurement Officer is hereby directed to prepare an appropriate Wells Fargo Extension agreement for execution by the Mayor.

**SECTION 6:** Chapter 2, Article X, Division 4 of the City of Atlanta's Code of Ordinances is hereby waived to the extent that such applies to the authorization of the Wells Fargo Extension.

**SECTION 7:** The agreement will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney, and delivered to the contracting parties.

**SECTION 8:** All ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

A true copy,

A handwritten signature in black ink, appearing to read "S. J. [unclear]", is written over the text "A true copy,".

Deputy Municipal Clerk

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

Nov. 21, 2011  
Nov. 30, 2011

RCS# 1570  
11/21/11  
3:34 PM

Atlanta City Council

REGULAR SESSION

11-O-1567

AGREEMENT W/WELLS FARGO BANK FOR MONTH-  
MONTH SERVICES OF FINANCE DEPT; 9 MONTHS  
ADCPT/AMEND

YEAS: 12  
NAYS: 1  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

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

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