

11-0-1758

First Reading
 Committee Committee on Council
 Date 11/21/11
 Chair Jeliana G. Moore
 Referred To Committee on Council

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

AN ORDINANCE BY COMMITTEE ON COUNCIL AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH FULTON COUNTY TO CONDUCT A CITY OF ATLANTA SPECIAL ELECTION TO BE HELD ON MARCH 6, 2012 TO PRESENT A REFERENDUM REIMPOSING A ONE PER CENT SALES AND USE TAX FOR THE PURPOSE OF FUNDING WATER AND SEWER PROJECTS PURSUANT TO ARTICLE 4 OF CHAPTER 8 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED AND CITY OF ATLANTA RESOLUTION 07-R-1114; TO APPOINT THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS, WITH THE DIRECTOR OR INTERIM DIRECTOR OF THE FULTON COUNTY DEPARTMENT OF REGISTRATION AND ELECTIONS ACTING AS ITS AGENT, AS MUNICIPAL ELECTION SUPERINTENDENT FOR THE PURPOSE OF CONDUCTING SAID ELECTION, AS ABSENTEE BALLOT CLERK AND AS MUNICIPAL REGISTRAR; AND FOR OTHER PURPOSES.

ADOPTED BY

CONSENT REFER DEC 0 5 2011

REGULAR REPORT REFER

ADVERTISE & REFER

1ST ADOPT 2ND READ & REFER *Substitute*

PERSONAL PAPER REFER

Date Referred: 11/21/11

Referred To: COC

Date Referred:

Referred To:

Date Referred:

Referred To:

Committee COC

Date 12/5/11

Chair Jeliana G. Moore

Action

Fav, Adv, Hold (see rev. side)

Other

Members 300 Substitute

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

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

CERTIFIED
 DEC 0 5 2011
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 DEC 0 5 2011
R. L. Douglas
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
 DEC 0 5 2011
[Signature]
 MAYOR



CITY COUNCIL
ATLANTA, GEORGIA

11-O-1758

**AN ORDINANCE
BY COMMITTEE ON COUNCIL
AS SUBSTITUTED BY COMMITTEE ON COUNCIL**

AN ORDINANCE TO AUTHORIZE THE MAYOR TO ENTER INTO A CONTRACT WITH FULTON COUNTY TO CONDUCT A CITY OF ATLANTA SPECIAL ELECTION TO BE HELD ON MARCH 6, 2012 TO PRESENT A REFERENDUM REIMPOSING A ONE PER CENT SALES AND USE TAX FOR THE PURPOSE OF FUNDING WATER AND SEWER PROJECTS PURSUANT TO ARTICLE 4 OF CHAPTER 8 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED AND CITY OF ATLANTA RESOLUTION 07-R-1114; TO APPOINT THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS, WITH THE DIRECTOR OR INTERIM DIRECTOR OF THE FULTON COUNTY DEPARTMENT OF REGISTRATION AND ELECTIONS ACTING AS ITS AGENT, AS MUNICIPAL ELECTION SUPERINTENDENT FOR THE PURPOSE OF CONDUCTING SAID ELECTION, AS ABSENTEE BALLOT CLERK AND AS MUNICIPAL REGISTRAR; AND FOR OTHER PURPOSES.

WHEREAS, in accordance with Section 21-2-45 (c) of the Georgia Election Code, the City of Atlanta may, by ordinance, authorize Fulton County to conduct elections and to perform any and all functions, as outlined in said code section and as required by such an election; and

WHEREAS, the City of Atlanta must take certain action to authorize a referendum on the special sales and use tax to be levied within the City of Atlanta ("MOST") pursuant to Article 4 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated and City of Atlanta Resolution 07-R-1114; and

WHEREAS, the City of Atlanta wishes to enter into a contract with Fulton County to conduct a Special Election for the above stated purpose on the statutorily authorized date of March 6, 2012 in conjunction with the Presidential Preference Primary Election; and

WHEREAS, in accordance with O.C.G.A. Sections 21-2-70.1(b), 21-2-380.1 and 21-2-212(c), the governing authority of the City of Atlanta is to appoint a municipal election superintendent, an absentee ballot clerk and a municipal registrar in a public meeting and the appointments shall be recorded in the minutes of said meeting.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby ordains as follows:

SECTION 1: That, by authority of City of Atlanta Resolution 07-R-1114 a City of Atlanta Special Election to hold a referendum re-imposing a one per cent (1%) sales and use tax upon the termination of the special one percent (1%) sales and use tax presently in effect for the purpose of funding water and sewer projects in the City of Atlanta, pursuant to Article 4 of Chapter 8 of the Official Code of Georgia Annotated, has been called on Tuesday, March 6, 2012.

SECTION 2: That the Mayor be and is hereby authorized to execute an appropriate contractual agreement with Fulton County to conduct said City of Atlanta Special Election to be held in



11-O-1758

conjunction with the Presidential Preference Primary Election on Tuesday, March 6, 2012.

SECTION 3: That the governing authority of the City, the Atlanta City Council, in accordance with O.C.G.A. Section 21-2-70.1 (b) does hereby appoint as Municipal Election Superintendent the Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of Registration and Elections acting as its agent, for the purpose of conducting said City of Atlanta Special Election. That any services provided by Section 4 Dekalb County for that portion of Atlanta in Dekalb will be authorized by a separate memorandum of understanding between the City of Atlanta and Dekalb County Registration and Elections

SECTION 4: That the Atlanta City Council, in accordance with O.C.G.A. Section 21-2-380.1 does hereby appoint the Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of Registration and Elections acting as its agent, as Absentee Ballot Clerk for said City of Atlanta Special Election.

SECTION 5: That the Atlanta City Council, in accordance with O.C.G.A. Section 21-2-212 (c) does hereby appoint the Fulton County Board of Registration and Elections, with the Director or Interim Director of the Fulton County Department of Registration and Elections acting as its agent, as Municipal (Chief) Registrar for said City of Atlanta Special Election.

SECTION 6: That the Municipal Clerk/Election Superintendent has requested a Projected Cost from Fulton and DeKalb Counties to conduct said City of Atlanta Special Election.

SECTION 7: That based on the projected cost supplied by Fulton and DeKalb Counties that City shall pay an amount not to exceed to Fulton and DeKalb Counties (\$ 3,000.00) and \$1,000.00 respectively for said City of Atlanta Special Election to be and charged from Account Number 1001 (General Fund) 200317 (County Election Expenses) 5710001 (Payments to Other Governments) 1400000 (Elections).

SECTION 8: That the City Attorney be and is hereby directed to prepare an appropriate contract with Fulton County for execution by the Mayor, in substantially the form attached hereto and identified as Exhibit B, to be approved by the City Attorney as to final form.

SECTION 9: That the contract with Fulton County 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, signed and sealed by the Municipal Clerk, and delivered to the contracting party.

SECTION 10: Should any part of this ordinance be declared unconstitutional or unenforceable in a court of law, it shall be severed from this ordinance and all such parts not declared unconstitutional or unenforceable shall remain in full force and effect.

SECTION 11: That all ordinances and parts of ordinances in conflict herewith be and are hereby repealed.

A true copy,

Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

DEC. 05, 2011
DEC. 06, 2011



11-O-1758

EXHIBIT "A"

CITY OF ATLANTA SPECIAL ELECTION - MARCH 6, 2012

PROJECTED COST



11-O-1758

EXHIBIT "B"

**STATE OF GEORGIA
FULTON COUNTY:**

THIS AGREEMENT entered into between the **City of Atlanta**, a municipal corporation lying wholly or partially within the County of Fulton, Georgia, hereinafter referred to as "**City**", and **Fulton County**, a political subdivision of the State of Georgia hereinafter referred to as "**County**".

WITNESSETH:

WHEREAS, the City in the performance of its governmental functions will hold the **City of Atlanta Special Election (the "Election")**, in conjunction with the Presidential Preference Primary Election to be held on Tuesday, **March 6, 2012**; and,

WHEREAS, under the provisions of the Georgia Election Code, particularly Section 21-2-45(c) of the Official Code of Georgia, Annotated, the City may by ordinance authorize the County to conduct such an election and the City has heretofore adopted such an ordinance (#11-O-1758); and

NOW, THEREFORE, in consideration of the premises it is hereby agreed as follows:

1.

This Agreement shall govern the obligations of the parties in the conduct of the Election.

2.

The Fulton County Board of Registration and Elections shall operate as the **Municipal Special Election Superintendent** (the "**Superintendent**") of the aforementioned election and shall perform any and all functions of the City or any of its officials in connection with the conduct of such election.



11-O-1758

3.

The cost of such election shall be in accordance with the projected cost attached hereto as Exhibit "A" and made a part of hereof by reference. City agrees to pay County the sum of **\$1,898.40** for the **City of Atlanta Special Election (for a referendum action for the reimposition of a 1% Sales and Use Tax for the purpose of funding water and sewer projects Referendum Election**, to be maintained in a separate election account with all expenses and charges in connection with the Election to be recorded and paid from said account. City shall remit said funds to County within 30 days of execution of this contract. Within one hundred and twenty (120) County days after the date of the Election, County shall furnish to City a complete statement showing all costs and expenses incurred in the Election and refund any excess in the elections account or collect any deficits which may be in said account. After this time, all other invoices received will be forwarded to the City for payment.

4.

The City Attorney shall furnish all legal services and defenses of litigation required by the Fulton County Board of Registration and Elections or Fulton County personnel arising from the Election under this Agreement. Should the City Attorney for any reason fail to provide the legal services referred to in this paragraph, the Superintendent shall have authority to engage the Fulton County Legal Department at the reasonable expense of the City; which shall not exceed the costs to the County; provided, however, that all requests for legal assistance by the County from the City Attorney to provide such service shall be communicated in writing before the City will be obligated to pay for legal services under this paragraph; provided, further, that the failure of the City Attorney's office to respond to a request made hereunder, within a reasonable time, shall be deemed to be a refusal to furnish such services.

County shall notify City in writing of its determination that the City has failed to respond as contemplated herein above before incurring legal fees on its own behalf for which the City shall be responsible.



11-O-1758

5.

No term of this contract shall limit the obligations of the Superintendent to take any steps required by the Georgia Election Code and the Rules of the State Election Board and the Charter and Code of Ordinances of the City of Atlanta.

6.

Should it be necessary to comply with legal requirements that any of the County's personnel shall be sworn in as a temporary officer or employee of the City, such formality shall be observed without limitation.

7.

IN WITNESS WHEREOF, the parties have hereunto set their hands and affixed their seals pursuant to resolutions of their governing bodies duly adopted and entered on the Minutes thereof.

SIGNATURES ON NEXT PAGE



11-O-1758

CITY OF ATLANTA

Mayor

Attest: _____
Municipal Clerk

APPROVED AS TO FORM:

City Attorney

APPROVED:

Chief Financial Officer, City of Atlanta

Chair, Board of Commissioners
(Seal)

Attest: _____
Clerk to Commission

APPROVED:

Chair, Board of Registration & Elections

RCS# 1606
12/05/11
5:34 PM

Atlanta City Council

REGULAR SESSION

11-O-1758

CONTRACT WITH FULTON COUNTY TO CONDUCT A
CITY SPECIAL ELECTION ON MARCH 6, 2012
ADOPT ON SUB

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

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

11-O-1758