



**Department of Law
City Attorney Jeremy Berry**

**PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE
DEPARTMENTAL OVERVIEW/ BUDGET
PRESENTATION**

**Councilmember Dustin Hillis - Chairman
Councilmember Michael Julian Bond
Councilmember Andrea L. Boone
Councilmember Marci Collier Overstreet
Councilmember Andre Dickens
Councilmember Cleta Winslow
Councilmember Joyce Shephard**

QUARTERLY BUDGET OVERVIEW

March 13, 2018



QUESTIONS AND TOPICS POSED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

- Update on claims and settlements since last report provided to the Committee on November 28, 2017
- CY17 Fourth Quarter highlights (October-December 2017)
- Outside Counsel report
 - Number of Outsourced Matters
 - Spending to Date



UPDATE ON CLAIMS & SETTLEMENTS CY17 v. CY16

❖ Total Claims and Settlement Payments

- There was a 5% increase from 852 to 893 in pending claims as of CY17 Q4 from CY17 Q3.
- In CY17, the City received demands of \$18,811,098. Of the total amount demanded in CY17, the City paid \$7,271,575 in claims and settlements; 39% of the amount demanded in CY17.
- In CY17 January-December, there was an 18% increase in total claims and settlement payments from \$6,149,663 to \$7,271,575 compared to CY16 January-December.

Settlement update continued on next page.



UPDATE ON SETTLEMENTS CY17 Q4 v. CY16 Q4

❖ Police – Vehicular Accidents

- In CY17 Q4, there was a 21% decrease from 28 to 22 in the total number of resolved police vehicular accidents compared to CY16 Q4, and a 170% increase from \$119,405 to \$323,412 in vehicular accident settlement payments. Of the 22 police vehicular accidents that were settled in CY17 Q4, 4 occurred in 2015, 11 occurred in 2016 and 7 occurred in 2017.
- Includes the Keshanna Spencer, for the Estate of Bernard Moore, deceased (\$220,000) vehicular accident settlement payment.
- Excluding the Keshanna Spencer for the Estate of Bernard Moore, deceased settlement payment, there would be a 13% decrease from CY16 Q4.

Settlement update continued on next page.



UPDATE ON SETTLEMENTS CY17 Q4 v. CY16 Q4

❖ Public Works – Sidewalk Defects

- Sidewalk Defect – Johnson v. COA \$200,000.
- In CY17 Q4, there was a 50% increase from 2 to 3 in the total number of resolved Public Works Sidewalk Defect settlements compared to CY16 Q4, and a 101% increase from \$103,500 to \$208,750 in Sidewalk Defect settlement payments compared to CY16 Q4 due to the Johnson case.
- Excluding the Johnson (\$200,000) Sidewalk Defect settlement payment, there would be a 92% decrease from CY17 Q4.



UPDATE ON SETTLEMENTS CY17 Q4 v. CY16 Q4

❖ Public Works - Vehicular Accidents

- In CY17 Q4, there was a 55% increase from 11 to 17 in the total number of resolved Public Works vehicular accidents compared to CY16 Q4, and a 19% increase from \$66,163 to \$78,937 in vehicular accident settlement payments compared to CY16 Q4. Of the 17 Public Works vehicular accidents that were settled in CY17 Q4, 2 occurred in 2015, 6 occurred in 2016 and 9 occurred in 2017.
- The increase in Public Works vehicular accident payments is due to a larger number of property damage claims.



UPDATE ON SETTLEMENTS CY17 Q4 v. CY16 Q4

❖ Watershed – Sanitary Sewer Back Ups

- Sanitary Sewer Back Up– Calhoun, et al. v. COA \$275,000.
- In CY17 Q4, there was a 43% decrease from 7 to 4 in the total number of Sanitary Sewer Back Up settlements compared to CY16 Q4, and a substantial increase from \$59,080 to \$376,460 Sanitary Sewer Back Up settlement payments compared to CY16 Q4 due to the Calhoun settlement payment and the Brakebill claim payment.
- Excluding the Calhoun (\$275,000) settlement payment and the Brakebill (\$85,000) claim payment, there would be a 72% decrease from CY17 Q4.



UPDATE ON SETTLEMENTS CY17 Q4 v. CY16 Q4

❖ Watershed – Water Meter and Vehicular Accidents

- In CY17 Q4, there was an 80% decrease from 5 to 1 in the total number of water meter settlements compared to CY16 Q4, and a 93% decrease from \$73,500 to \$5,000 in water meter settlement payments compared to CY16 Q4.
- In CY17 Q4, there was a 33% increase from 9 to 12 in the total number of resolved Watershed vehicular accidents compared to CY16 Q4, and an increase from \$26,361 to \$77,267 in vehicular accident settlement payments.



HIGHLIGHTS OF CY17 Q4

➤ Phillips Arena Renovations

The Law Department and the Department of Finance finalized agreements with the Hawks which ensures the Hawks will remain in Atlanta until the 2047-2048 season and more than \$200 million in renovations to Phillips Arena.

➤ Homelessness Bonds

On October 5, 2017, the City issued \$25,700,000 in bonds to address homelessness in Atlanta. The bond issuance will facilitate housing and programs for this population throughout the City.



HIGHLIGHTS OF CY17 Q4

➤ Atlantic Station Refunding

On December 21, 2017, the City refunded a portion of its Atlantic Station TAD bonds in the amount of \$85,380,000, which represented present value savings to the City of \$21,596,187.

➤ Civic Center

The Law Department provided legal advice for the sale of the Civic Center to the Atlanta Housing Authority for \$31,000,000. The Civic Center was one of the City's last prime in-town parcels and redevelopment of this site provides an invaluable opportunity for the City to increase affordable housing within Atlanta's in-town communities.



HIGHLIGHTS OF CY17 Q4

➤ Guaranteed Energy Performance Contracts

The Law Department closed five guaranteed energy savings performance contracts totaling \$144,810,507, on behalf of four City departments, to reduce the City's overall energy and water consumption and carbon footprint.

➤ Solar Energy Procurement Agreement

The Law Department negotiated and executed the second solar energy procurement agreement involving a municipality in the state of Georgia.



HIGHLIGHTS OF CY17 Q4

➤ Emory/CDC Annexation

The Law Department provided legal services for Emory/CDC Annexation, which is the largest Atlanta annexation in nearly 70 years, containing 744 acres of internationally renowned educational and health institutions.

➤ Comcast Cable Franchise Extension

The Law Department provided advice and counsel to renew the local cable franchise agreement. The City and Comcast agreed to extend the favorable terms of the local franchise agreement.



HIGHLIGHTS OF CY17 Q4

➤ Mission Development, LLC & Scott v. BZA

The Law Department filed a Motion to Dismiss in this case arguing that the City was not properly served. The court agreed with the City and dismissed the case. As a result, the auto repair/storage use must cease and the property can only be used as residential.



HIGHLIGHTS OF CY17 Q4

➤ Law Department Litigation Win Rate

In CY17, The Law Department had an 88% Win Rate for trials, appeals and dispositive motions and a 90% Win Rate for dispositive motions.



OUTSIDE COUNSEL SPENDING REPORT FISCAL YTD

	<u>FY18</u>	<u>FY17</u>	<u>% Chg</u>
➤ NUMBER OF OUTSOURCED MATTERS	72	59	22%
➤ SPENDING TO DATE			
➤ AVIATION FUND	2,969,590	3,420,379	-13%
➤ WATERSHED FUND	1,707,779	1,531,407	11%
➤ GENERAL FUND	2,204,180	696,474	216%
➤ TOTAL COMBINED FUNDS	6,881,549	5,648,260	21%



QUESTIONS