

DEPARTMENT OF LAW

City Attorney Nina R. Hickson

QUARTERLY REVIEW

December 12, 2022

Presented to:

**PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

Council Member Dustin Hillis – Chair
Council Member Byron Amos
Council Member Michael Julian Bond
Council Member Andrea L. Boone
Council Member Mary Norwood
Council Member Marci Collier Overstreet
Council Member Keisha Sean Waites



DEPARTMENT OF LAW UPDATES SINCE SEPTEMBER 12, 2022

- Department & Staff Accomplishments
- Division Accomplishments & Highlights
- Total Claims and Settlement Payments
 - Quarterly Update
 - Calendar Year-To-Date Snapshot
- Outside Counsel Report
 - Spending to Date



LAW DEPARTMENT & STAFF ACCOMPLISHMENTS



LAW STAFF ACCOMPLISHMENTS

Certificate of Achievement

Georgia Association of Women Lawyers Luncheon Host

Attorney Tyronia Smith, as Chair of the Georgia Association of Women Lawyers Special Events Committee, hosted the 25th Annual Judicial Luncheon on October 26, 2022, at the Capital City Club. The luncheon celebrated members of the judiciary in the Atlanta metropolitan area. Keynote speakers were the Honorable Victoria M. Calvert and the Honorable Sarah E. Geraghty, the two newest jurists on the United States District Court for the Northern District of Georgia. Over 80 judges attended the luncheon.

Signature

Date

LAW STAFF ACCOMPLISHMENTS (cont.)

Georgia State University Guest Speaker

On September 19, 2022, Attorney Jonathan Futrell was a guest lecturer at Georgia State University College of Law where he presented on the recent updates to the City's Impact Fee Program which the City Council adopted in 2021. Attendees included law students participating in the school's Urban Fellows Program.

Leadership Georgia Gala Attendee

Attorney Martin Clarke attended the Leadership Georgia 50th Anniversary Gala, held in Columbus, Georgia, on November 12, 2022. The event hosted representatives of all business industries in Georgia.

Georgia State University Adjunct Professor

Attorney Robert Moses was appointed Adjunct Professor to teach Introduction to U.S. Law in the Master of Laws program at Georgia State University College of Law for Fall 2022.

LITIGATION DIVISION

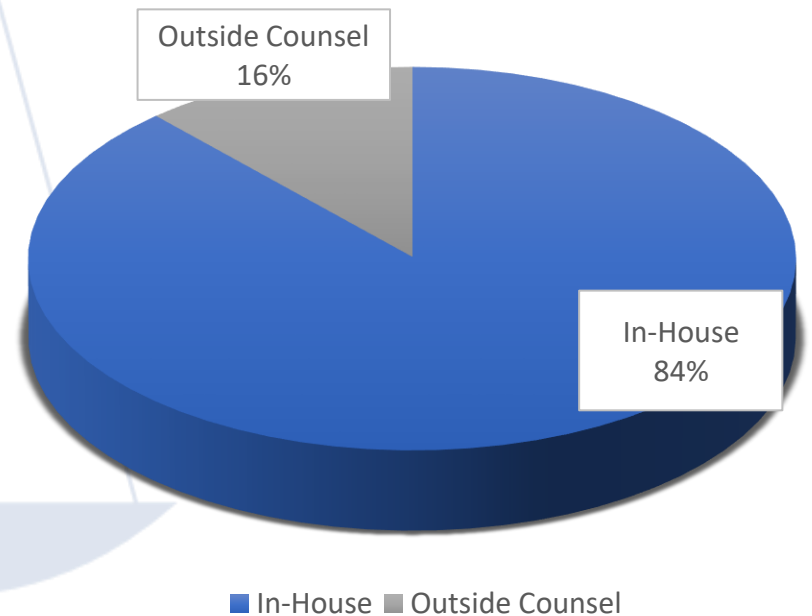


LITIGATION DIVISION

The Litigation Division currently has a total of 971 open matters.

- 811 of the Litigation matters are being handled in-house.
- 160 of the Litigation matters have been outsourced to Outside Counsel.
- 117 Litigation Matters were opened in 1st Quarter of FY23.
- 127 Litigation Matter were closed in 1st Quarter of FY23.

Litigation Matters





LITIGATION DIVISION **APPEARANCES**

The Litigation attorneys made the following appearances for FY23 Q1:

EVENT	NO. OF APPEARANCES
CIVIL SERVICE BOARD HEARINGS	5
DEPOSITIONS	20
HEARINGS	10
MEDIATIONS/SETTLEMENT CONFERENCES	8
STATUS CONFERENCES	6
TRIALS	2
Total	51

LITIGATION DIVISION (cont.)

Significant Case Victories

Erica Banks, et al. v. City of Atlanta and Charles Ewing

United States District Court for
the Northern District of Georgia,
Judge William M. Ray, II

Demand: \$4,000,000

- The Eleventh Circuit Court of Appeals affirmed the district court's decision and denied the plaintiffs' motion for a rehearing before the full panel of the Eleventh Circuit.

Dover Davis Jr. v. COA/Officer Aaron Swan

United States District Court
for the Northern District of
Georgia,

Judge Steven D. Grimberg

Demand: \$4,000,000

- The Court held that 1) Plaintiff's claims were time barred; 2) the Section 1983 claims against the City failed because the City could not be vicariously liable for the alleged unconstitutional acts of an employee.

Terry Joyner v. City of Atlanta

United States District Court for
the Northern District of
Georgia, Judge Regina Cannon

Demand: \$750,000

- The City prevailed at trial winning a complete defense verdict. The Court denied Joyner's motion for judgment notwithstanding verdict or for a new trial. Plaintiff appealed his loss to the Eleventh Circuit Court of Appeals.

BUSINESS SERVICES DIVISION



BUSINESS SERVICES DIVISION – CONTRACTS

The Department of Law's Contracts Team handled a number of legislative, bid protest, and contract matters during the quarter including the following highlighted matters:

Procurement Legislation and Bid Protests

- We assisted with the development of legislation on behalf of Atlanta Information Management, Atlanta Police Department, Atlanta Fire and Rescue, and the Department of Aviation to authorize execution of a \$1.6M service contract with Motorola Solutions, Inc. for voice and computer-aided dispatch software which will simplify technology integration for the City's 911 operators and aid in their ability to quickly access reliable information, accelerate data collection, and coordinate quicker responses to incoming requests.
- The Contracts Team successfully defended a bid protest concerning a \$2.5M contract for parking operations and management services at Hartsfield Jackson Atlanta International Airport. An order of dismissal, with prejudice, was issued by the Procurement Hearing Officer on September 9, 2022.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

Technology Contracts

- We negotiated and finalized a \$365,000 agreement with NEC Corporation of America, on behalf of the Atlanta Police Department, for an Automated Fingerprint Identification System (AFIS) which scans, identifies, and compares fingerprints across various law enforcement and public safety databases in order to identify criminal suspects and victims. The NEC AFIS can search 1 billion fingerprint records per second significantly enhancing APD's ability to investigate and solve crimes.
- On behalf of Atlanta Information, we secured a \$1.3M agreement with TimeClock Plus, LLC for project management consulting and expert technical services necessary for implementation of the City's new Oracle Time and Labor system.
- Our team aided Atlanta Department of Transportation (ATLDOT) operations by completing a \$163,000 agreement with StreetLight Data, Inc. for StreetLight's InSight® web application which identifies and analyzes complex traffic patterns and transportation mobility which will allow ATLDOT to diagnosis traffic problems, implement necessary congestion mitigation tactics, and develop mobility planning goals.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

Technology Contracts (cont.)

- We negotiated and finalized a \$2.7M agreement with Environmental Systems Research Institute, Inc., on behalf of the Department of Atlanta Information Management, for software and technical services related to its ArcGIS system which will allow the Department of Watershed Management, Department of Aviation, Department of City Planning, Atlanta Department of Transportation, Department of Public Works, the Atlanta Police Department, Atlanta Fire & Rescue, and the Department of Parks & Recreation to embed GIS mapping technology into existing data resources to analyze geospatial data to solve problems unique to the work of each department and share results to add collaboration initiatives across the City.
- In support of the Department of Grants and Community Development (DGCD), the Contracts Team drafted, negotiated, and finalized a mission critical contract with Benevate, Inc. for its Neighborly software and related implementation services, which will allow DGCD to accept, review, and score federal entitlement grant applications; allocate and track subrecipient grant funding; process invoices; and develop required program reports quickly and efficiently.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

Construction Contracts

- The Contracts Team drafted, negotiated, and finalized a \$33.5M Construction Manager at Risk agreement with New South McCarthy Synergy, on behalf of the Department of Aviation, for professional construction management services for the upcoming Central Passenger Terminal Complex and Airport Fire Life Safety Enhancement projects in support of the ATLNNext Capital Improvement Program at Hartsfield-Jackson Atlanta International Airport.
- To maintain compliance with state regulatory requirements, we executed a \$2M amendment to an existing contract with Genesis Testing Services, Inc., on behalf of the Department of Aviation, for construction services related to ensure proper maintenance of City-owned landfills.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

General Service Contracts

- Our team completed a \$5.2M amendment to an existing contract with Thorpe Building Services/ALL-N-One Security Service, JV, on behalf of the Department of Watershed Management, Atlanta Department of Transportation, and the Department of Public Works, to provide security guard services at various locations within the City.
- To support evolving and varying use of City-owned properties, we negotiated and finalized a \$2.4M contract with American Facility Services, Inc., on behalf of the Department of Enterprise Assets Management, for janitorial necessary for all City-owned properties.
- On behalf of Worksource Atlanta, we drafted, negotiated, and finalized, a \$750,000 contract with Equus Workforce Solutions to provide comprehensive program design and management of career planning, education, training and employment programs created to support in-school youth between the ages of 14-21 and out-of-school youth between the ages of 16-24.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

General Service Contracts (cont.)

- The Contracts Team successfully completed a mission and safety critical agreement with Johnson Controls Fire Protection, LP, on behalf of the Department of Corrections (DOC), for fire alarm suppression system testing, inspections, and maintenance required to ensure persons and physical assets inside DOC facilities are protected from fire hazards and that DOC facilities meet federal, state, and local fire safety codes.

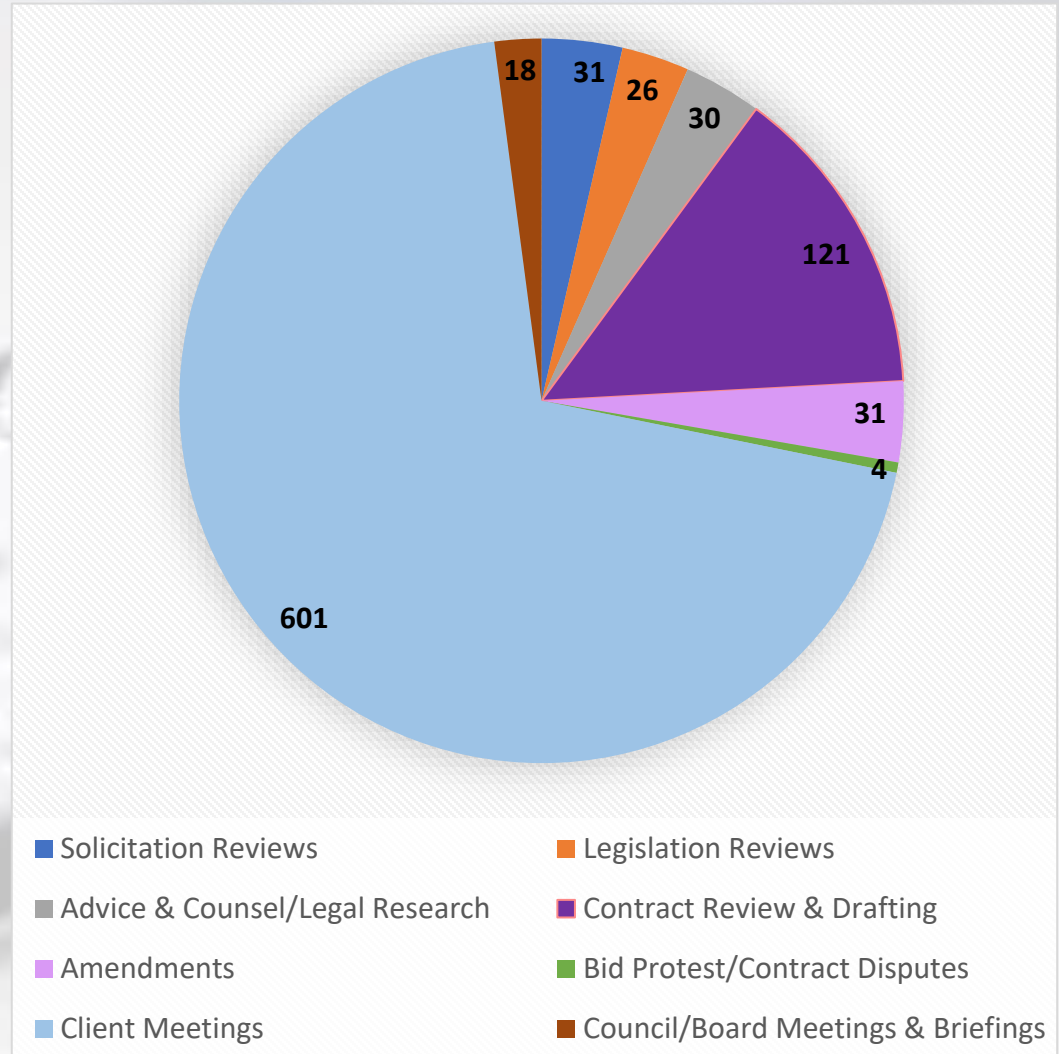
Federal Entitlement Grant Agreements

- On behalf of the Department of Grants and Community Development, we successfully completed 31 entitlement grant agreements awarding funding from the United States Department of Housing and Urban Development to local civic organizations which provide shelter, meals, and employment assistance services to Atlanta residents in need.

BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

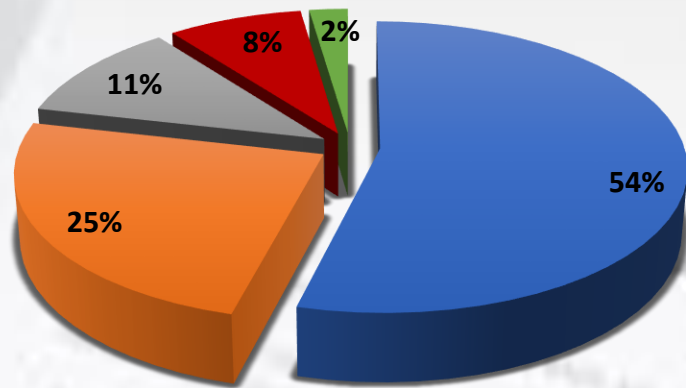
Contract Matters by Type

Matter Category	Number of Matters
Solicitation Reviews	31
Legislation Reviews	26
Advice & Counsel/Legal Research	30
Contract Review & Drafting	121
Amendments	31
Bid Protest/Contract Disputes	4
Client Meetings	601
Council/Board Meetings & Briefings	18
Total	862



BUSINESS SERVICES DIVISION – CONTRACTS (cont.)

Contract Matters by Client Department



- Department of Procurement
- Atlanta Information Management
- Department of Enterprise Assets Management
- Department of Grants & Community Development
- Executive Offices

Client Department	Number of Matters
Department of Procurement	466
Atlanta Information Management	211
Department of Enterprise Assets Management	95
Department of Grants & Community Development	70
Executive Offices	20

BUSINESS SERVICES DIVISION **REAL ESTATE | LAND USE | PARKS & REC**

The Department of Law's Real Estate/Land Use team had the following notable highlights:

Atlanta Medical Center Moratorium:

- The Real Estate team worked with the Administration to prepare an Executive Order to impose a temporary moratorium on the Atlanta Medical Center site. The moratorium notes that the City's planning documents, including the Old Fourth Neighborhood Master Plan ("Master Plan"), designated the Atlanta Medical Center as a piece of essential infrastructure for the community, and the Master Plan further contemplated that the Atlanta Medical Center would continue to be a staple in the community providing both healthcare and jobs. The moratorium prohibits the Department of City Planning from accepting any building permit applications, special administrative permit applications, rezoning applications, or subdivision applications.
- The team also helped draft the ordinance that was passed by City Council to ratify that Executive Order and impose a 180-day temporary moratorium.

BUSINESS SERVICES DIVISION
REAL ESTATE | LAND USE | PARKS & REC (cont.)

Department of Enterprise Assets Management Neighborhood Center Lease:

- The Real Estate team drafted legislation, on behalf of the Department of Enterprise Assets Management (DEAM), authorizing the Mayor, for a period of five (5) years from the effective date of the legislation, to execute leases of space at City of Atlanta Neighborhood Centers.

BUSINESS SERVICES DIVISION
REAL ESTATE | LAND USE | PARKS & REC (cont.)

Affordable Housing Strikeforce:

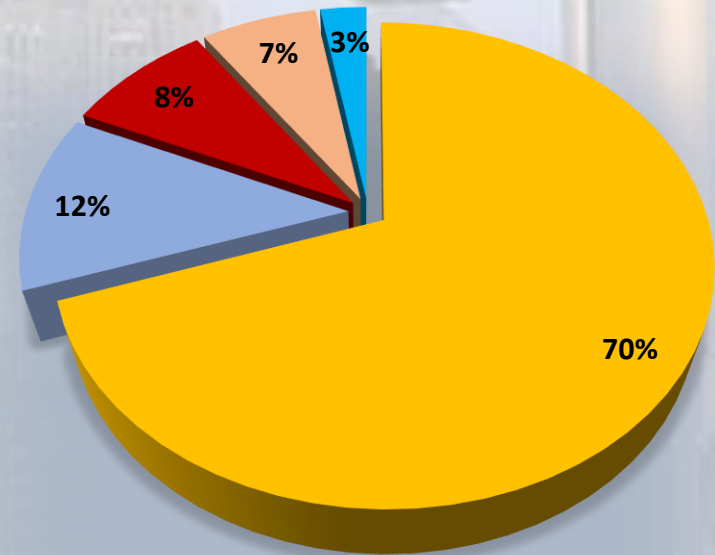
- The Real Estate team worked closely with the Administration and the Office of Housing & Community Development (OHCD) in connection with the implementation of the Affordable Housing Strikeforce. The team's involvement included:
 - Assisting and advising OHCD in structuring and documenting real estate transactions involving the transfer of certain unused and/or vacant City property to Invest Atlanta to be dedicated to affordable housing;
 - Drafting required legislation;
 - Preparing real estate conveyance documents utilizing land covenants to ensure the continued dedication of land for affordable housing purposes; and
 - Working with all interested parties to consummate the transactions within desired timeframes.

BUSINESS SERVICES DIVISION

REAL ESTATE | LAND USE | PARKS & REC (cont.)

For the period of July 1 – September 30, 2022, the Department of Law provided the following Real Estate/Land Use support to the Department(s) of Aviation, City Planning and Development, Enterprise Asset Management, Parks & Recreation, Transportation, Public Works and Watershed Management:

- **Client Meetings: 232**
- **Legislative Items: 33**
- **Easements & Encroachments: 5**
- **Leases, Licenses, & Other Agreements: 21**
- **Legal Opinions: 8**



- Client Meetings
- Legislative Items
- Easements & Encroachments
- Leases, Licenses, & Other Agreements
- Legal Opinions

BUSINESS SERVICES DIVISION

MUNICIPAL GOVERNANCE

The Department of Law's Municipal Governance team made the following notable contributions last quarter:

Executive Offices / City Council / Municipal Clerk

Placement of Sustainability and Executive Fellows

- FUSE Corps is a national nonprofit that partners with local governments and communities to create projects that advance racial equity and accelerate systems change. On behalf of the Mayor's office, the team drafted legislation and an agreement for FUSE Corps to provide the executive management and placement of a Sustainability Fellow and an Executive Fellow within the City. The Sustainability Fellow will identify innovative approaches to equitable climate and energy security. The Executive Fellow will assess and create recommendations to address the needs of the Atlanta trans community.

Urban League Youth Development Grant (ULYD)

- Will provide Youth Services to the City of Atlanta's Youth to remediate learning loss, increase pathways to enrichment and career opportunity, and improve public safety for Atlanta students. The team reviewed and revised the Memorandum of Understanding between the City and the Urban League to donate funds to the ULYD grant of \$1,000,000 of the City's American Rescue Plan Act of 2021 "ARPA" funds.

BUSINESS SERVICES DIVISION **MUNICIPAL GOVERNANCE (cont.)**

Department of Grants and Community Development (DGCD)

Playground Improvements

- The team drafted legislation and revised a Memorandum of Understanding between DGCD and the Department of Parks and Recreation (DPR), where the DPR will administer a Community Development Block Grant (CDBG) to make playground improvements.

ADA Improvements

- The team drafted legislation and revised a Memorandum of Understanding between DGCD and the DPR, where the DPR will administer a CDBG grant to make infrastructure improvements to parks.

BUSINESS SERVICES DIVISION

MUNICIPAL GOVERNANCE (cont.)

Finance

Airport Commercial Paper Reissued

- The Municipal Governance team managed outside counsel drafting commercial paper notes in the amount of \$950M for the Department of Aviation (DOA).

Police Car Acquisition

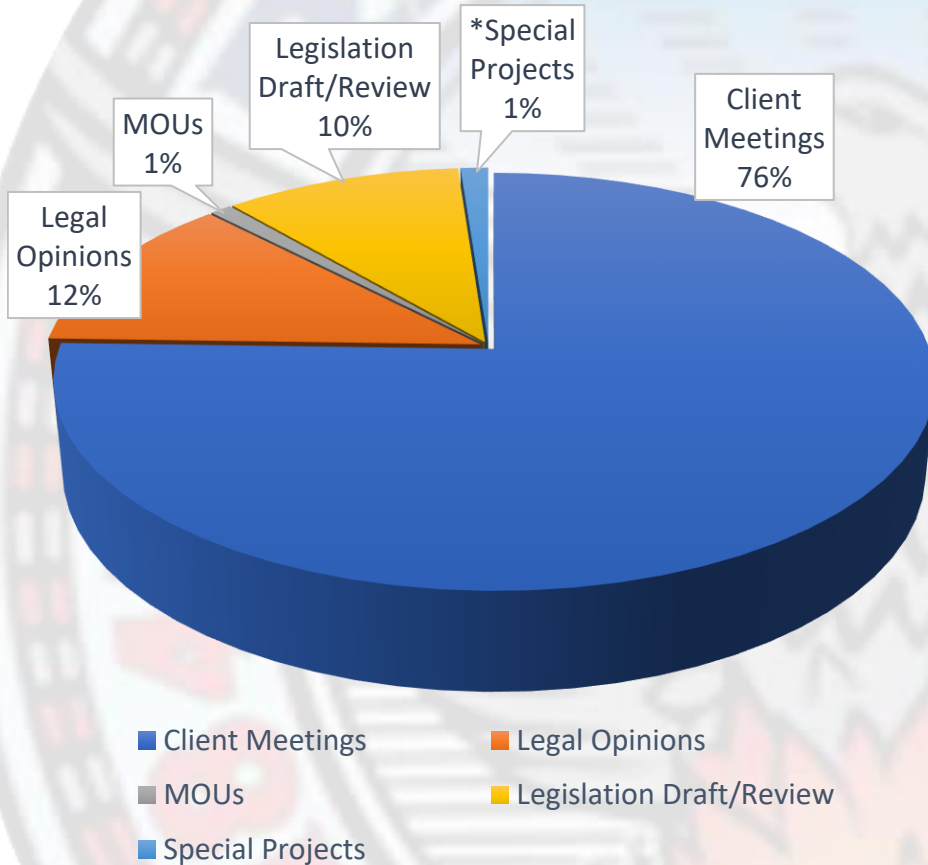
- Coordinated the agreement to acquire 59 Dodge Chargers for the Atlanta Police Department (APD). These vehicles were acquired through a master lease with JP Morgan.

Fire Truck Acquisition

- Coordinated the agreement to acquire three pumper fire trucks for the Atlanta Fire Rescue Department (AFRD). These trucks were acquired through a master lease with JP Morgan.

BUSINESS SERVICES DIVISION

MUNICIPAL GOVERNANCE



Client Meetings: 320
 Legal Opinions: 52
 MOUs: 4
 Legislation drafted/reviewed: 43
 *Special Projects: 5

*Multilayered projects that involve any combination of meetings, and drafting agreements, policies, procedures, or legislation.

Board, Authority, Commission, Etc. (B.A.C.E)	No. of MTGS
Alcohol Technical Advisory Group III	2
Disciplinary Hearings	12
License Review Board	7
Nightlife Internal Working Group	3
In Rem Review Board	3
Nuisance Properties Sub-Committee	1
Problem Properties: Inspection Working Group	1
Public Safety Training Center Advisory Board	2
Public Safety Commission	2
Jail Population Review Committee	5
Justice Policy Board	2
Firefighter's Pension Plan Administrative Committee	2
General Employee's Pension Plan Administrative	3
COA Pension Investment Board	2
Police Officer's Pension Plan Administrative Committee	2
Office of Contract Compliance (OCC) Hearing	1
Total	50

OPERATIONS DIVISION



OPERATIONS DIVISION **LABOR AND EMPLOYMENT GROUP**

The Department of Law's Labor and Employment Group ("L&E") provided the following legal support to clients:

Safe Harbor Policy

- As an extension of the Citywide Workplace Alcohol/Drug Abuse Policy that L&E and the Department of Human Resources created, the Employee Assistance Program ("EAP") sought assistance from L&E in drafting a policy to provide guidance to employees for utilizing the City's Safe Harbor Program.
- The Safe Harbor Program and policy furthers the City's goal of providing employees and visitors with an environment free from the use and abuse of controlled substances and alcohol. L&E worked with EAP to create a policy which clearly sets forth the expectations of employees and EAP in the Safe Harbor Program as well as delineates progressive discipline if necessary.



OPERATIONS DIVISION **LABOR AND EMPLOYMENT GROUP (cont.)**

Negotiated Settlement Agreement

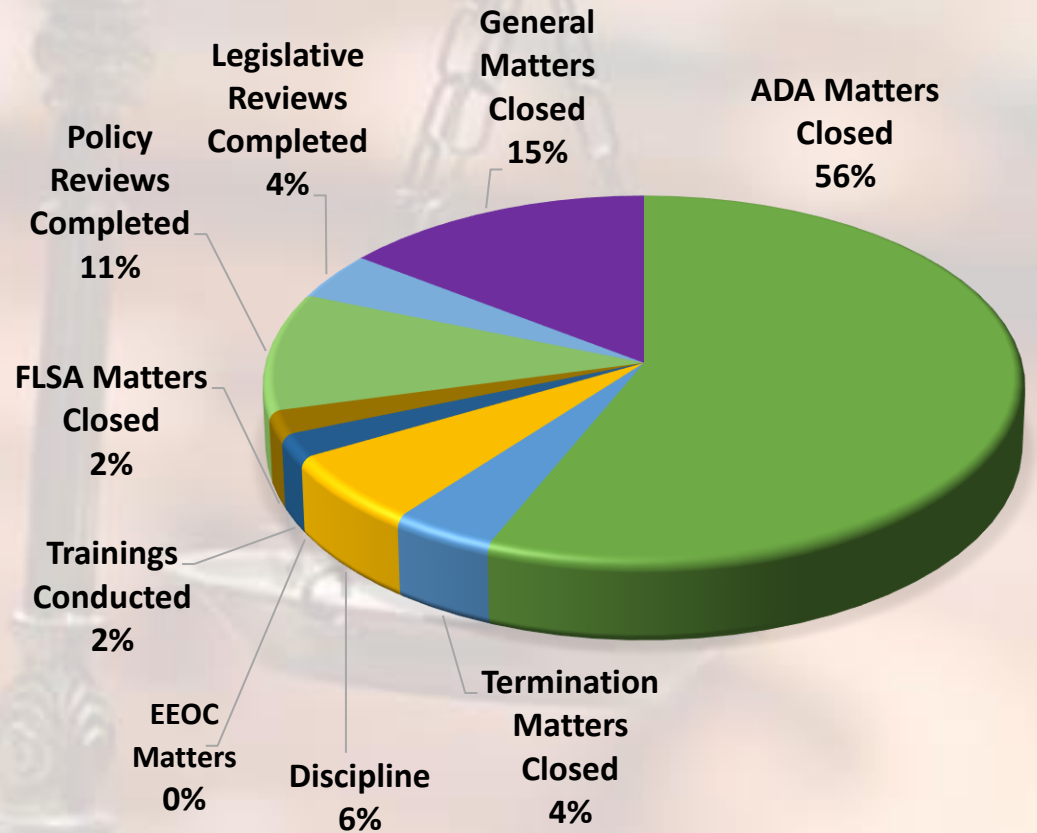
- L&E successfully and effectively negotiated a pre-litigation settlement for \$50,000 in an employment discrimination matter involving an Americans with Disabilities Act (“ADA”) claim filed by a former employee of the Atlanta Police Department’s Code Enforcement Section.

Streamlined Religious Accommodation Process:

- L&E provided legal guidance and support for the creation of a revised religious accommodation request process.

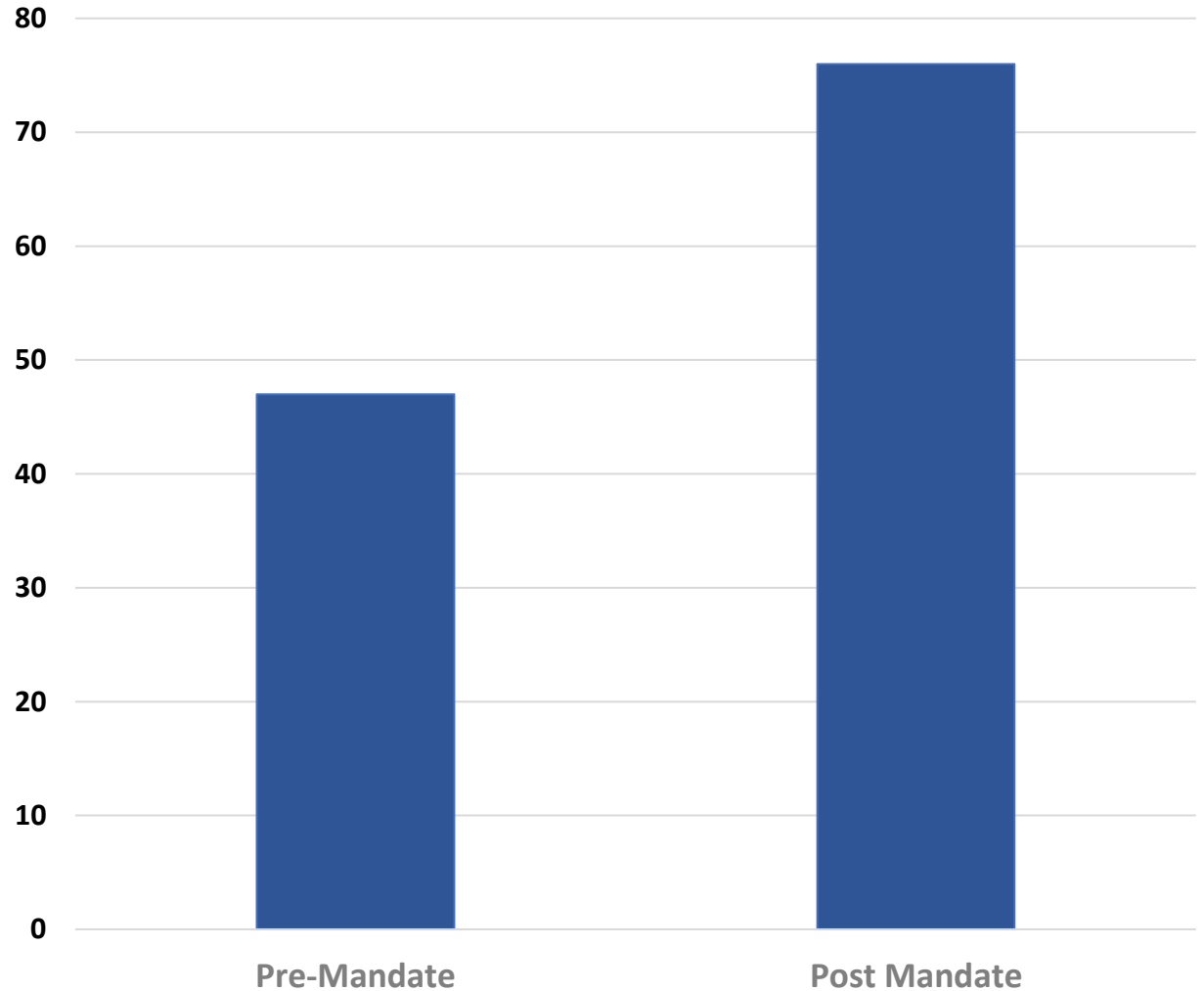
MATTERS CLOSED Q1 FY23

Subject Matter	Matters Closed
ADA/FMLA	27
Discipline	3
FLSA	1
General	7
Legislative Review	2
Policy Review	5
Research	2
Termination	2
Training	1
Total	50



ADA Matters Closed

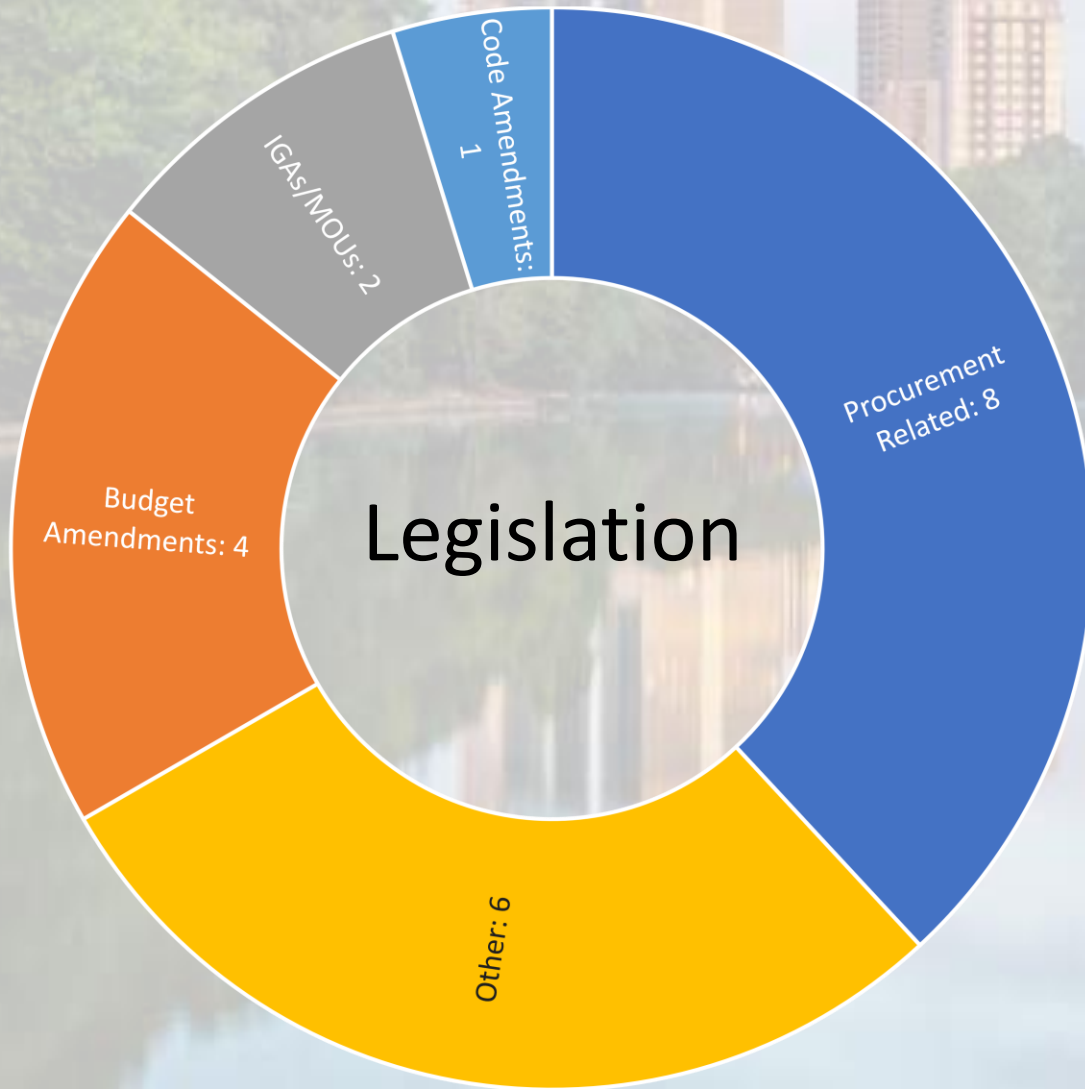
Pre-Mandate (Aug. 2021 – Feb. 2022) &
Post-Mandate (March 2022 – Sept. 2022)



Impact of Return to
Work In-person
Mandate
(March 2022)
on ADA
Accommodation
Requests

OPERATIONS DIVISION – WATERSHED

The Department of Law’s Watershed Division provided the following legal support to clients:



FY 2023 Q1

- Procurement Related: 8
- Budget Amendments: 4
- IGAs/MOUs: 2
- Other: 6
- Code Amendments: 1

Total: 21

OPERATIONS DIVISION – WATERSHED (cont.)

Water & Sewer Appeals Board (WSAB)

July 1 – September 30, 2022

Key Performance Indicator	Totals
Appeal Requests Received by WSAB	142
Total Cases Scheduled/Heard by Board*	55
Accounts Adjusted by WSAB	35

*Watershed Team provides legal advice and support on all cases heard by WSAB

OPERATIONS DIVISION – WATERSHED (cont.)

Riparian Buffer Technical Panel

July 1 – September 30, 2022

Key Performance Indicator	Totals
Total Hearings	6
Initial Applications Reviewed	17
Modified Applications Reviewed	31
Authorized Encroachments Granted	2
Hours of Hearings	4:52



DOL's Watershed Team assisted the Technical Panel with drafting legislation and stakeholder collaboration to amend the City Code to update the public notification process and to establish new requirements for multi-family development.

OPERATIONS DIVISION – WATERSHED (cont.)

- Assisted the DWM with property acquisition necessary for the construction of a much-needed sewer capacity relief project, the Custer Ave. Multi-benefit Capacity Relief project, in the Peoplestown neighborhood area.
- Ongoing legal support for the DWM’s Flexible Levels, Options, & Affordable Terms (F.L.O.A.T.) Initiative which has reduced the Department’s aged A/R by approximately \$11M.
 - Initiative was recently extended by City Council until January 1, 2023. DOL assisted in drafting legislation for this extension.
- Revenue Recovery: \$25,000 from commercial customers of DWM.
- Continuing assistance to the DWM’s Stormwater Investigations Team (“SWIT”) to determine City responsibility, legal risks, and assist with citizen communication regarding the determination of public vs. private stormwater infrastructure.

OPERATIONS DIVISION

TRANSPORTATION | PUBLIC WORKS| S.A.V.E.

The Department of Law's Transportation, Public Works, S.A.V.E. team provided the following legal support to clients:

Solid Waste Rate Change Ordinance and Charter Amendment

- Provided ongoing legal support to DPW subsequent to the passage of new Solid Waste Rate Ordinance and Charter Amendment, including review of printed mailers and notifications, addressing client questions concerning billing for multiple garbage bins, billing for multi-family housing, and website updates.
- Developed the proposed makeup and procedure of the Solid Waste Rate Appeals Board consistent with the new Solid Waste ordinance.

Landscaping services

- Provided advice and counsel to DPW for continuation of city-wide landscape services contracts.

OPERATIONS DIVISION TRANSPORTATION | PUBLIC WORKS | S.A.V.E. (cont.)

Light up the Night

- Provided ongoing guidance to ATLDOT regarding citizen inquiries for streetlight repair and replacement under the City's "Light up the Night" initiative with Georgia Power.



OPERATIONS DIVISION
TRANSPORTATION | PUBLIC WORKS | S.A.V.E. (cont.)



**BROAD STREET BOARDWALK
REOPENING CELEBRATION**

- Broad Street Boardwalk Reopening**
- Finalized legislation and an MOU supporting the maintenance of the Broad Street Boardwalk with the Atlanta Downtown Improvement District in time for the fall reopening.

OPERATIONS DIVISION

TRANSPORTATION | PUBLIC WORKS | S.A.V.E. (cont.)

TSPLOST Oversight Legislation

- Assisted with drafting critical legislation to facilitate the most effective use of TSPLOST 2.0 funds to ensure citizens that critical projects would be funded and completed in the spirit of this important voter-approved referendum.

Grant Funding Legislation

- Reviewed legislation authorizing applications for federal, state and/or local funding for the following critical ATLDOT projects:
 - Authorization for application/award of \$32M for the construction of the Marietta Road Bridge and Marietta Boulevard Bridge; and
 - Authorization for application/award of \$30M for the Pryor & Central Safe Street & Protected Bike Lanes Project; and
 - Authorization for application/award of \$2M for the Lee Street Complete Streets project which includes the bridge above Interstate 20 near the Atlanta University Center; and
 - Authorization for acceptance of \$10M from Georgia Department of Transportation; and
 - Authorization for acceptance of \$70,000 from outside organizations in support of safer routes to school and safer school zones.

OPERATIONS DIVISION **TRANSPORTATION | PUBLIC WORKS | S.A.V.E. (cont.)**

Project Delivery & Management Agreements

- Negotiated and revised five (5) Project Management Agreements to allow Midtown Alliance to self-procure for the relevant project delivery.

Midtown Bike Lane Enhancement MOU

- Drafted legislation authorizing a Memorandum of Understanding with Midtown Alliance for the installation and maintenance of nonstandard landscaping and streetscape elements to enhance bicycle lanes along certain Midtown corridors.

Right of Way (ROW) Installations

- Provided ongoing guidance to departmental clients and external partners focused on compliance with City rights-of-way policies and compensation schedule.

OPERATIONS DIVISION TRANSPORTATION | PUBLIC WORKS| S.A.V.E. (cont.)

MORE MARTA Program Support

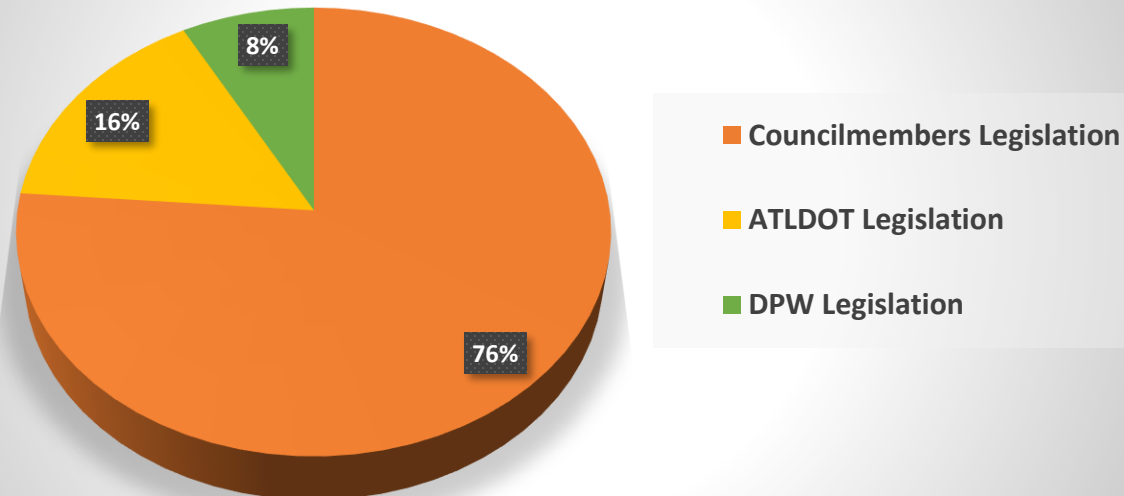
- Negotiated the terms of Project Based Agreements for four (4) More MARTA Program projects, including the Campbellton Road Corridor Bus Rapid Transit, Streetcar East Extension, Five Points Station Transformation, and Bankhead Station Transformation projects between ATLDOT and MARTA.



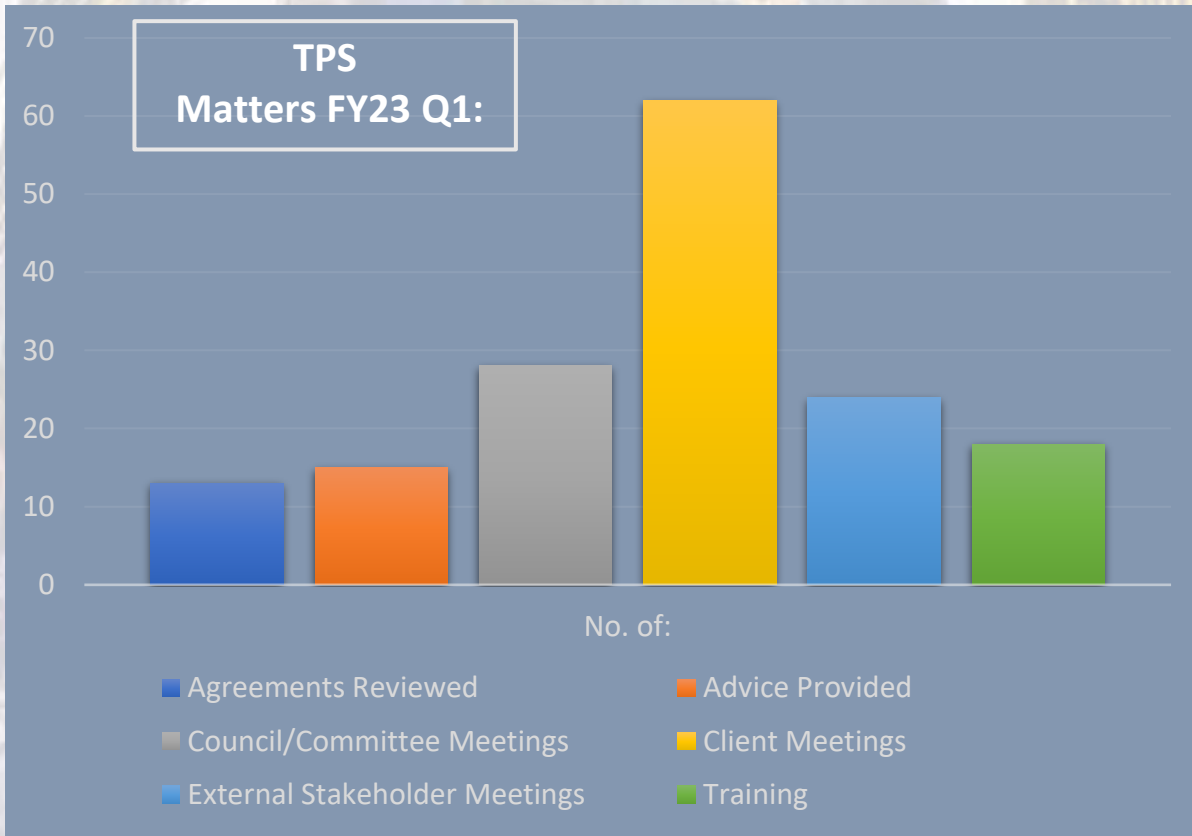
OPERATIONS DIVISION TRANSPORTATION | PUBLIC WORKS | S.A.V.E. (cont.)

Legislation Reviewed FY22 Q1 (Jul-Sep)	Number
Councilmembers Legislation	77
ATLDOT Legislation	16
DPW Legislation	8
TOTAL Legislation	101

TPS LEGISLATION REVIEWED FY23 Q1:



OPERATIONS DIVISION TRANSPORTATION | PUBLIC WORKS | S.A.V.E. (cont.)



Matters FY23 Q1 (Jul-Sep)	No.
Agreements Reviewed	13
Advice Provided	15
Council/Committee Meetings	28
Client Meetings	62
External Stakeholder Meetings	24
Training	18
TOTAL Matters	160

AIRPORT LEGAL DIVISION



AIRPORT LEGAL DIVISION

The Department of Law's Airport Legal Division provided the following support to Aviation:

- The Airport Legal Division joined with the Department of Aviation, the Mayor's Office of Contract Compliance, Risk Management and the Department of Procurement in numerous work sessions as part of a protracted negotiation and development of a complex amendment to the Airport Use and Lease Agreement and related legislation for the Airport's 1.4B dollar widening of Concourse D.
- The Airport Legal Division together with the Contracts Division collaborated with the Department of Aviation, the Mayor's Office of Contract Compliance, Risk Management, and the Department of Procurement, including each department's respective leadership, in an extensive and expedited development and drafting of a new concessions contract and solicitation documents valued at approximately 44 million dollars for over 20,000 square feet of concessions space at Hartsfield-Jackson Atlanta International Airport.

AIRPORT LEGAL DIVISION (cont.)

- The Airport Legal Division together with the Litigation Division successfully resolved City of Atlanta v. SFG Studios, LLC, et al. The City commenced legal action against a former commercial tenant of non-aeronautical property to recover past due rent and utilities. After extensive negotiations, the City received a settlement payment of \$10,000. The lawsuit has been dismissed, with prejudice.
- Members of ALD attended the 38th Annual Airport Law Conference in Seattle, Washington. This conference highlights fundamental legal principles that underlie virtually all aspects of airport operations and development.
- The Airport Legal Division participated in negotiations and finalized Sister Airport Agreements with the Federal Airports Authority of Nigeria.
- The Airport Legal Division is sponsoring a 5-part training on the master airline agreement for the Department of Aviation regarding various core operational, environmental, finance, construction, legal and commercial matters at Hartsfield-Jackson Atlanta International Airport.

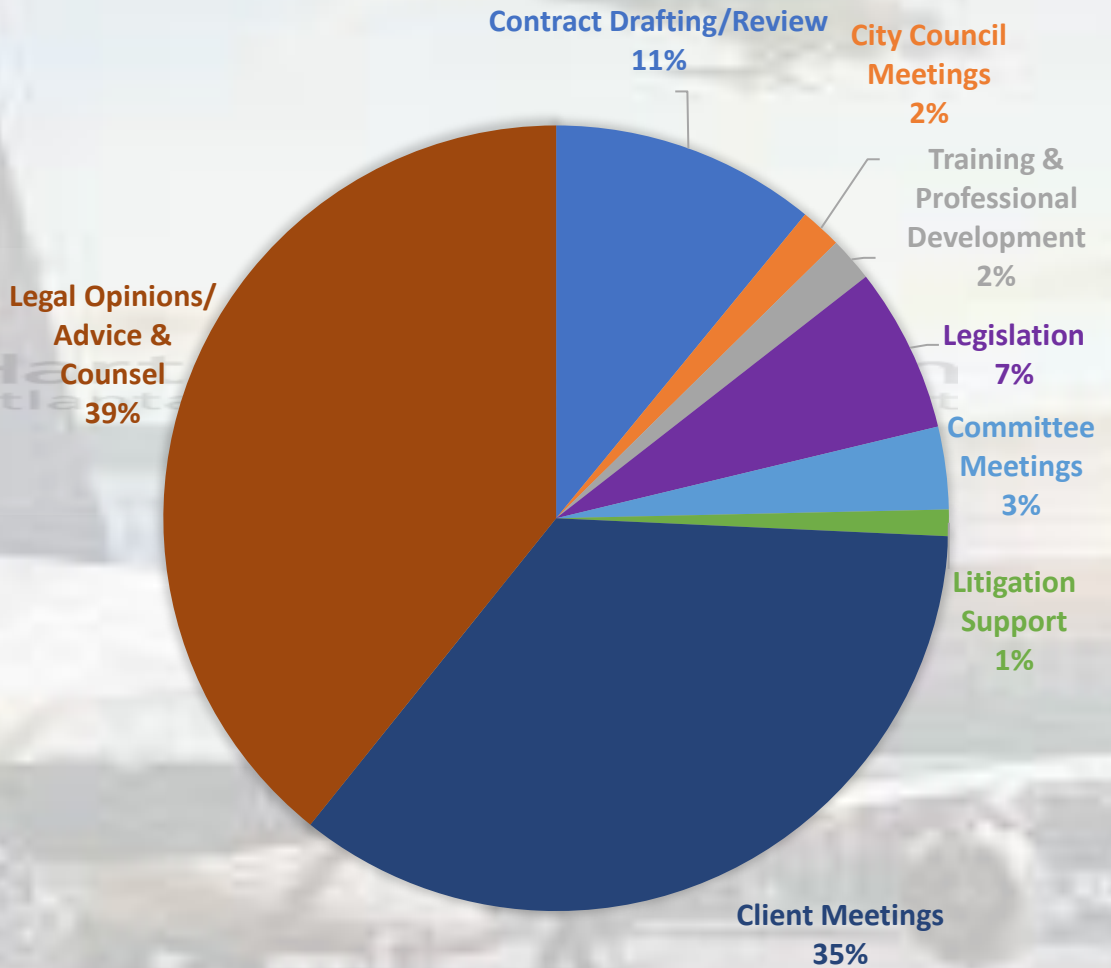
AIRPORT LEGAL DIVISION (cont.)

- The Airport Legal Division together with environmental and construction in-house counsel assisted the Department of Aviation in navigating a substantial work-site dispute involving a construction stop work order on a 100 million dollar construction contract.
- Airport Legal Division together with legislative counsel evaluated and analyzed matters related to Transportation Network Companies (TNC) and Taxi regulation, particularly as it relates to Taxi participation at Hartsfield-Jackson Atlanta International Airport.
- Airport Legal Division assisted DOA in navigating long-standing complex fuel management conflicts involving various airline stakeholders and potential requirements for future procurement solicitation scope.
- Airport Legal Division, together with Municipal Governance team, closed out an agreement with the TSA regarding TSA's canine screening of individuals at Hartsfield-Jackson Atlanta International Airport.

AIRPORT LEGAL DIVISION (cont.)

STATISTICS JULY-SEPTEMBER 2022

Type of Requests	Number of Requests
Contract Drafting/Review	161
City Council Meetings	25
Training & Professional Development	27
Legislation	100
Committee Meetings	50
Litigation Support	16
Client Meetings	516
Legal Opinions/Advice & Counsel	578



REVENUE RECOVERY



REVENUE RECOVERY

Litigation Division

- Between July 1 – September 30, 2022, the Litigation Division was served with 99 Quiet Title and Interpleader petitions. In response, the City filed 55 claims for payment totaling \$1,291,751. During this time period, the City collected \$553,352 in payment of delinquent ad valorem taxes, delinquent solid waste bills, delinquent water bills and unpaid demolition lien costs.

PENDING, NEW AND RESOLVED CLAIMS UPDATE

Q1



UPDATE ON PENDING, NEW & RESOLVED CLAIMS – Q1

Q1 Pending Claims

- The Department of Law maintained 609 pending claims from July 1, 2022, to September 30, 2022.

Q1 New Claims

- The Department of Law received 148 new claims from July 1, 2022, to September 30, 2022, an average of 49 new claims per month.

Q1 Resolved Claims

- The Claims Team has resolved 320 claims during the past quarter, an average of 107 claims per month.

UPDATE ON CLAIMS & SETTLEMENTS

FY23 Q1

Itemized Claims and Settlement Payments by Department

FY23 (Q1) Litigation Cases Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
Law	\$350,000	\$65,000	General Fund
Parks & Recreation	\$199,000	\$94,000	General Fund
Police	\$3,118,784	\$1,229,300	General Fund
Public Works	\$2,216,772	\$153,973	General Fund
Transportation	\$12,608,780	\$3,109,500	General Fund
Watershed Management (Storm Water)	\$250,000	\$50,000	General Fund
Watershed Management	\$1,370,959	\$283,500	Water & Sewer
TOTAL LITIGATION SETTLEMENTS	\$20,114,295	\$4,985,273	

FY23 (Q1) Claim Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
Aviation	\$1,800	\$1,047	Aviation
Fire Rescue	\$12,349	\$9,147	General Fund
Parks & Recreation	\$2,122	\$1,000	General Fund
Police	\$242,106	\$62,823	General Fund
Public Works	\$1,000,000	\$4,949	General Fund
Transportation	\$119,991	\$34,945	General Fund
Watershed Management (Storm Water)	\$0	\$0	General Fund
Watershed Management	\$89,203	\$62,396	Water & Sewer
TOTAL CLAIM SETTLEMENTS	\$1,467,571	\$176,308	

TOTAL FY23 LITIGATION & CLAIM TOTALS **\$21,581,866** **\$5,161,581**

UPDATE ON CONSOLIDATED CLAIMS & SETTLEMENTS

Q1

- The Department of Law has successfully and effectively litigated case settlements in FY23 Q1 that resulted in the City only paying \$4,985,273 when the demand amount was \$20,114,294.
- The Department of Law has successfully and effectively negotiated claims settlements in FY23 Q1 that resulted in the City only paying \$175,262 when the demand amount was \$1,465,771.

OUTSIDE COUNSEL SPENDING REPORT

FY23 FISCAL YEAR-TO-DATE ACTUALS

	FY22	FY23	
	<u>July – Nov. 2021</u>	<u>July – Nov. 2022</u>	<u>% Chg.</u>
<u>SPENDING TO DATE</u>			
AVIATION FUND	199,513	84,413	-58%
WATERSHED FUND	494,947	642,140	29%
GENERAL FUND	1,802,665	2,363,361	31%
TOTAL SPENDING COMBINED FUNDS₁	\$2,497,125	\$3,089,914	23%

₁Total Spending Combined Funds excludes DOJ Investigation expenses.

- There is currently a decrease overall of 23% in FY23 July - Nov. 2022 outside counsel spending compared to FY22 July - Nov. 2021. In terms of the Enterprise Funds, there is a decrease of 58% in Aviation Fund outside counsel spending due to fewer outsourced matters and an increase of 29% in Watershed outside counsel spending due to a significant stormwater and sewer pipe property damage case. In terms of the General Fund, there is currently an increase of 31% in General Fund outside counsel spending compared to FY22 July – Nov. 2021.

QUESTIONS

