

DEPARTMENT OF LAW

City Attorney Nina R. Hickson

QUARTERLY REVIEW

March 27, 2023

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 Antonio Lewis
Council Member Mary Norwood
Council Member Keisha Sean Waites



DEPARTMENT OF LAW UPDATES SINCE DECEMBER 12, 2022.



Law Staff Accomplishments



Division Highlights



Revenue and Cost Recovery



Total Claims and
Settlement Payments



Outside Counsel Report
•Spending to Date

LAW STAFF ACCOMPLISHMENTS

as of Q2 (October 1-December 31, 2022)

LAW STAFF ACCOMPLISHMENTS



Attorney Shemia Washington

Friendship Club Chair Election

Shemia Washington was elected the Vice Chair of the Friendship Club Board on January 23, 2023. The Friendship Club, Inc. is a nonprofit 501(c)(3) and extends support and financial relief to City of Atlanta Employees who are experiencing financial hardship.



Attorney Robert Moses

Guest Lecturer

Attorney Robert Moses gave a guest lecture to the Environmental Law class at Georgia State University College of Law in October 2022. The lecture also included a tour of the City's Clear Creek Combined Sewer Overflow facility with cooperation from the Department of Watershed Management.



Attorney Mu'min Islam

Panel Speaker

Attorney Mu'min Islam was a panel speaker for the National Association of Bond Lawyers. The conference was held on March 9, 2023 in Scottsdale, AZ.



LAW STAFF ACCOMPLISHMENTS



Attorney Lauren Clayton

Grant Park Conservancy

Attorney Lauren Clayton was nominated for and elected to the Executive Committee of the Grant Park Conservancy Board on January 24, 2023.



Attorney Katherine "Kit" Jayne

Mayor's 5K Race Volunteer

Attorney Kit Jayne volunteered at the Mayor's 5K On The 5th Runway race held at Hartsfield-Jackson Atlanta International Airport on October 8, 2022.



Attorney Jessee Dagen

Event Participant

Attorney Jessee Dagen participated in the International Delegation for Human Trafficking at Hartsfield-Jackson Atlanta International Airport on February 17, 2023.



LITIGATION DIVISION HIGHLIGHTS

as of Q2 (October 1-December 31, 2022)

Division Highlights: Litigation



The Litigation Division currently has a total of 1,349 open matters.



1,156 of the Litigation matters are being handled in-house.



193 of the open Litigation matters were outsourced to Outside Counsel.



86 Litigation matters were opened in Q2 of FY23.



26 Litigation matters were closed in Q2 of FY23.

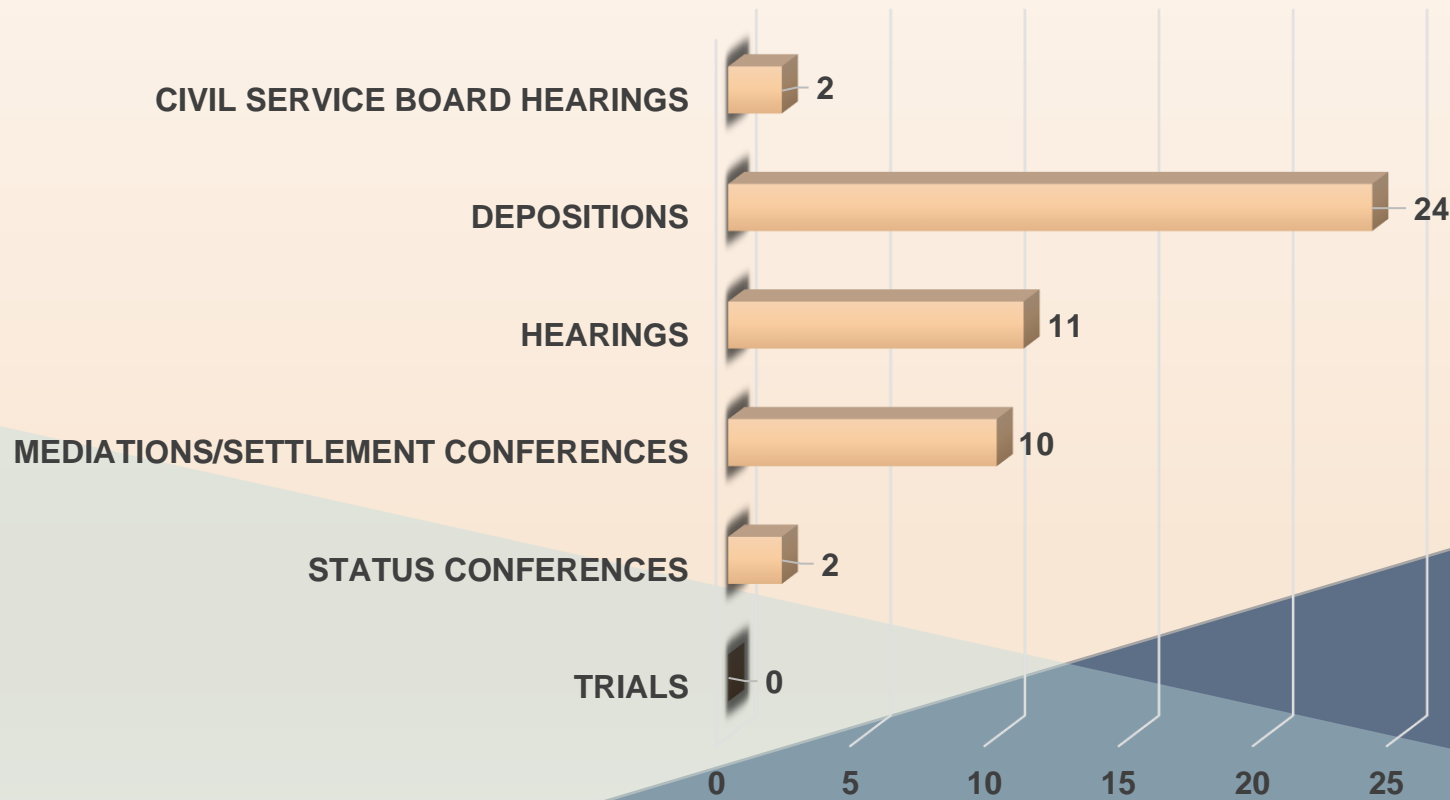
Division Highlights: Litigation

The Litigation attorneys made the following appearances for FY23 Q2:



Litigation Appearances

Total Appearances: 49 | # of Appearances



BUSINESS SERVICES DIVISION HIGHLIGHTS

as of Q2 (October 1-December 31, 2022)

Division Highlights: Business Services - Contracts

The Department of Law's Contracts Team handled a number of legislative, bid protest, and contract matters during Q2 including the following highlighted matters:

Urban Forest Carbon Registry Agreement

The Contracts Team drafted, negotiated, and finalized an innovative agreement with Urban Forest Carbon Registry establishing the City's participation in an environmentally friendly carbon offset program for Lake Charlotte Nature Preserve. This program will generate revenue for the City and preserve valuable greenspace for its residents.

Carbyne Inc. Agreement

On behalf of the Atlanta Police Department, the Contracts Team negotiated a \$1.5M agreement with Carbyne Inc. for software that will utilize smartphone technology to provide accurate location data, pictures, and videos to E-911 personnel allowing them to deliver faster and more precise instructions to first responders during emergencies.



Division Highlights: Business Services – Contracts (cont.)



City's Sewer Rehabilitation Program Agreement

The Contracts Team finalized a critical \$145M agreement, on behalf of the Department of Watershed Management, for infrastructure design and fabrication required to mitigate sewer overflows necessary for implementation of the City's Sewer Rehabilitation Program.

Jacob's Eye, LLC Agreement

On behalf of the Office of Inspector General (OIG), the Contracts Team drafted, negotiated, and finalized a \$120K agreement with Jacob's Eye, LLC to provide professional public awareness campaign services to facilitate increased awareness of OIG functions and to aid in bolstering public trust in City government.

Evergreen Solutions, LLC Agreement

On behalf of the Department of Human Resources, the Contracts Team drafted, negotiated, and finalized a \$425K agreement with Evergreen Solutions, LLC for review and analysis of the City's employee classification structure and compensation programs.

Division Highlights: Business Services – Contracts (cont.)



Systems and Software, Inc. Procurement Agreement

The Contracts Team completed a \$5.1M sole source procurement agreement with Systems and Software, Inc., on behalf of the Department of Watershed Management (DWM), to provide maintenance, support, and related services for DWM's enQuesta software system which is used to generate bills for water and sewer customers covering approximately 180,000 accounts.

Covendis Technologies, Inc. IT Agreement

On behalf of Atlanta Information Management, the Contracts Team drafted, negotiated, and finalized a \$5.9M agreement with Covendis Technologies, Inc. for on-call IT services necessary to support the Mayoral initiatives related to enhancing the City's IT infrastructure.



GCR Inc. Procurement Agreement

The Contracts Team completed a \$60K sole source procurement agreement with GCR Inc., on behalf of the Department of Aviation, to migrate the existing Airport Security and Operations Compliance System (ASOCS) to a cloud environment which will allow accessibility to ASOCS from anywhere on Airport property.

Software Upgrade Agreement

On behalf of the Atlanta Police Department, the Contracts Team finalized a \$6.3M sole source procurement agreement with AT&T Corporation for E-911 software upgrades that will streamline voice and data calls to facilitate enhanced situational awareness for emergency dispatch operators, reduce 911 response times, and improve public safety outcomes.

TK Elevator Corporation Agreement

The Contracts Team successfully negotiated a \$284K Agreement with TK Elevator Corporation for full service, repair and maintenance of elevators, wheelchair lifts and escalators for all City facilities managed by the Department of Enterprise Asset Management and at Hartsfield-Jackson Atlanta International Airport.



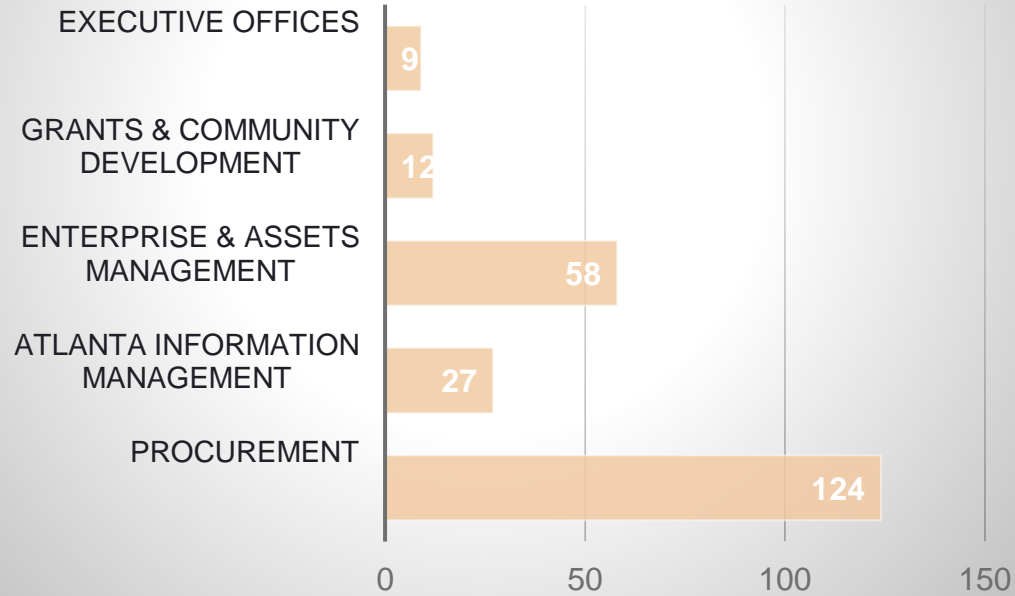
Manhattan-RFB, JV Construction Change Order

The Contracts Team drafted, negotiated, and finalized a \$3.3M construction change order with Manhattan-RFB, JV, on behalf of Department of Aviation, to make emergency repairs to the existing north and south terminal parking decks necessary to meet pedestrian safety regulatory requirements.

Contracts Metrics as of Q2

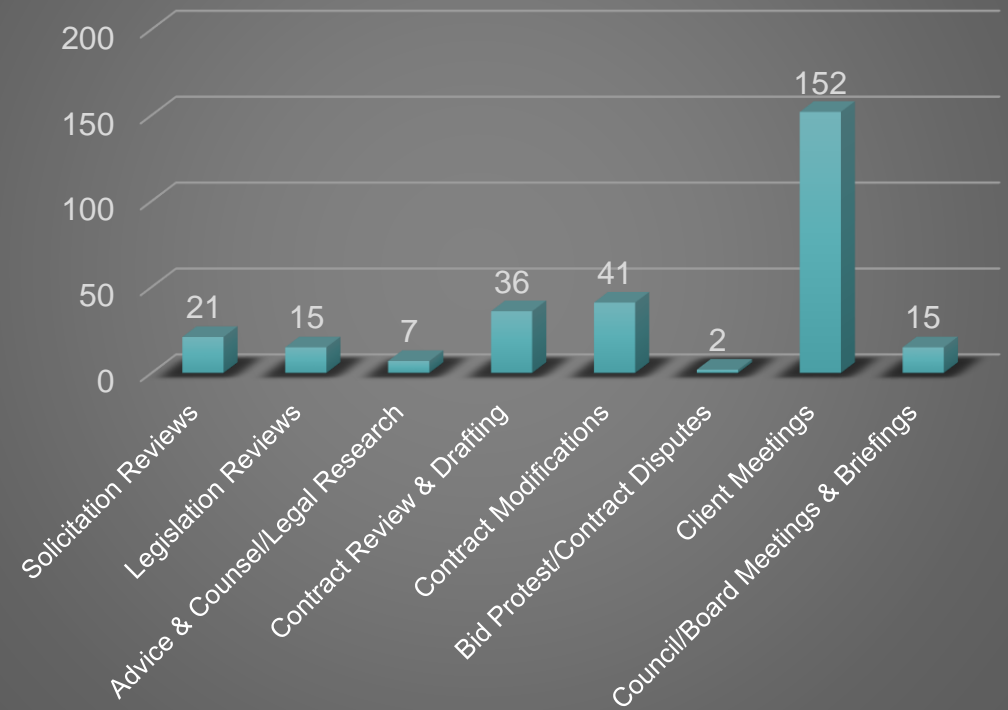
Contract Matters by Client Department

Total Matters: 230



Contract Matters by Type

Total Matters: 289



Division Highlights: Business Services – Real Estate

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

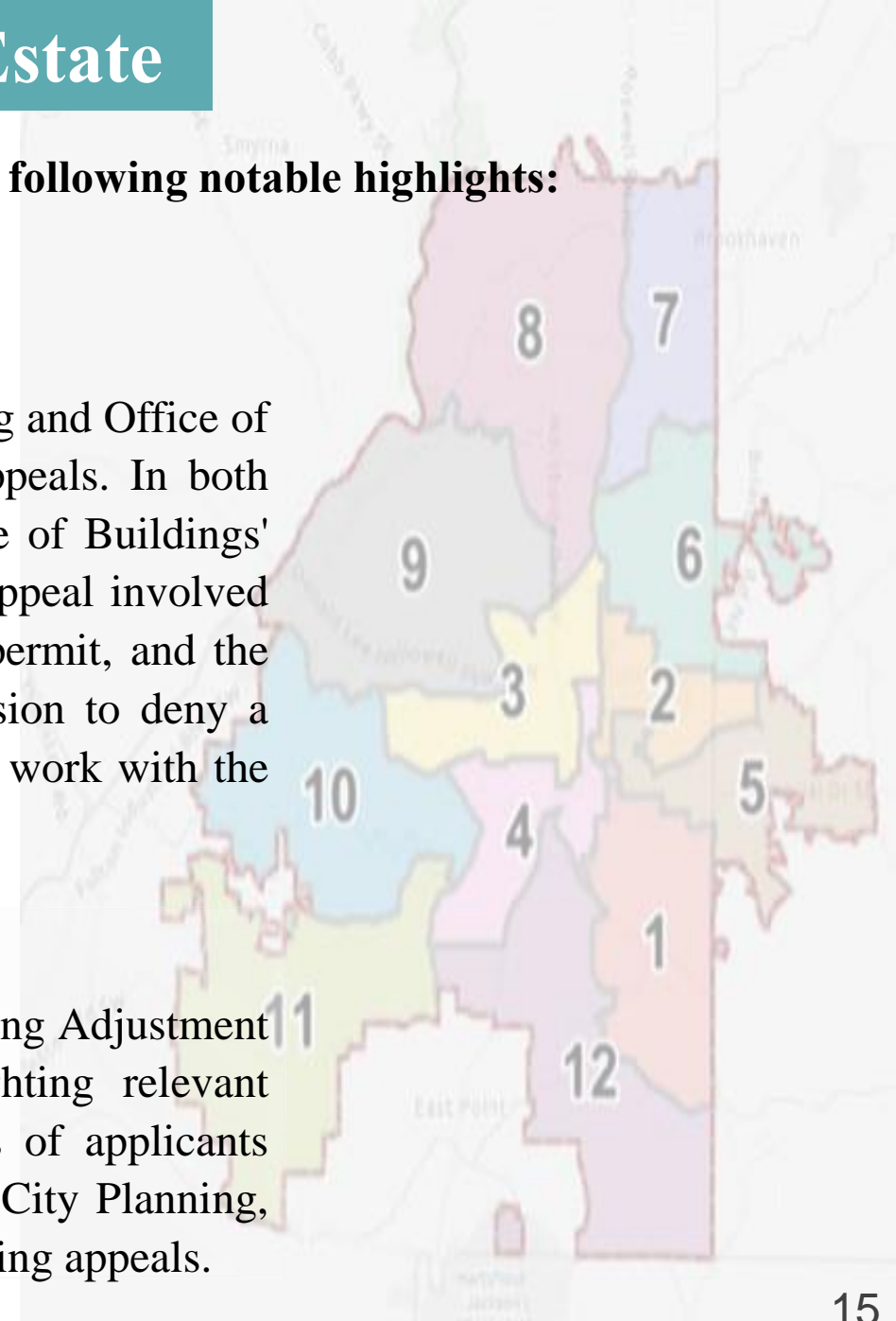
Board of Zoning Adjustment Matters

Appeals

The Real Estate and Land Use team represented the Department of City Planning and Office of Buildings before the City's Board of Zoning Adjustment on two separate appeals. In both appeals, the Real Estate and Land Use team successfully defended the Office of Buildings' permitting decisions and both appeals were denied in favor of the City. One appeal involved successfully defending the Office of Building's decision to deny a billboard permit, and the second appeal involved successfully defending the Office of Building's decision to deny a freestanding sign permit. The Real Estate and Land Use team will continue to work with the City's litigation team as these matters are appealed to the Superior Court.

Legal Support

The Real Estate and Land Use team provided legal support to the Board of Zoning Adjustment (“BZA”) on four appeals during Q2 of FY 2023. Such advice included highlighting relevant code provisions at issue, assisting the BZA in understanding the arguments of applicants appearing before the BZA and the underlying decisions of the Department of City Planning, and providing guidance on the scope of authority of the BZA in opining on pending appeals.



Real Estate Acquisitions

Southeastern Trust for the Preservation of Land

The Real Estate and Land Use team represented the Department of Parks and Recreation in the acquisition of 177 acres of forested land from The Conservation Fund for parks use in Southwest Atlanta. With this acquisition, a record milestone was achieved for yearly acquisitions of greenspace in Atlanta of approximately 300 acres total of new public parkland.

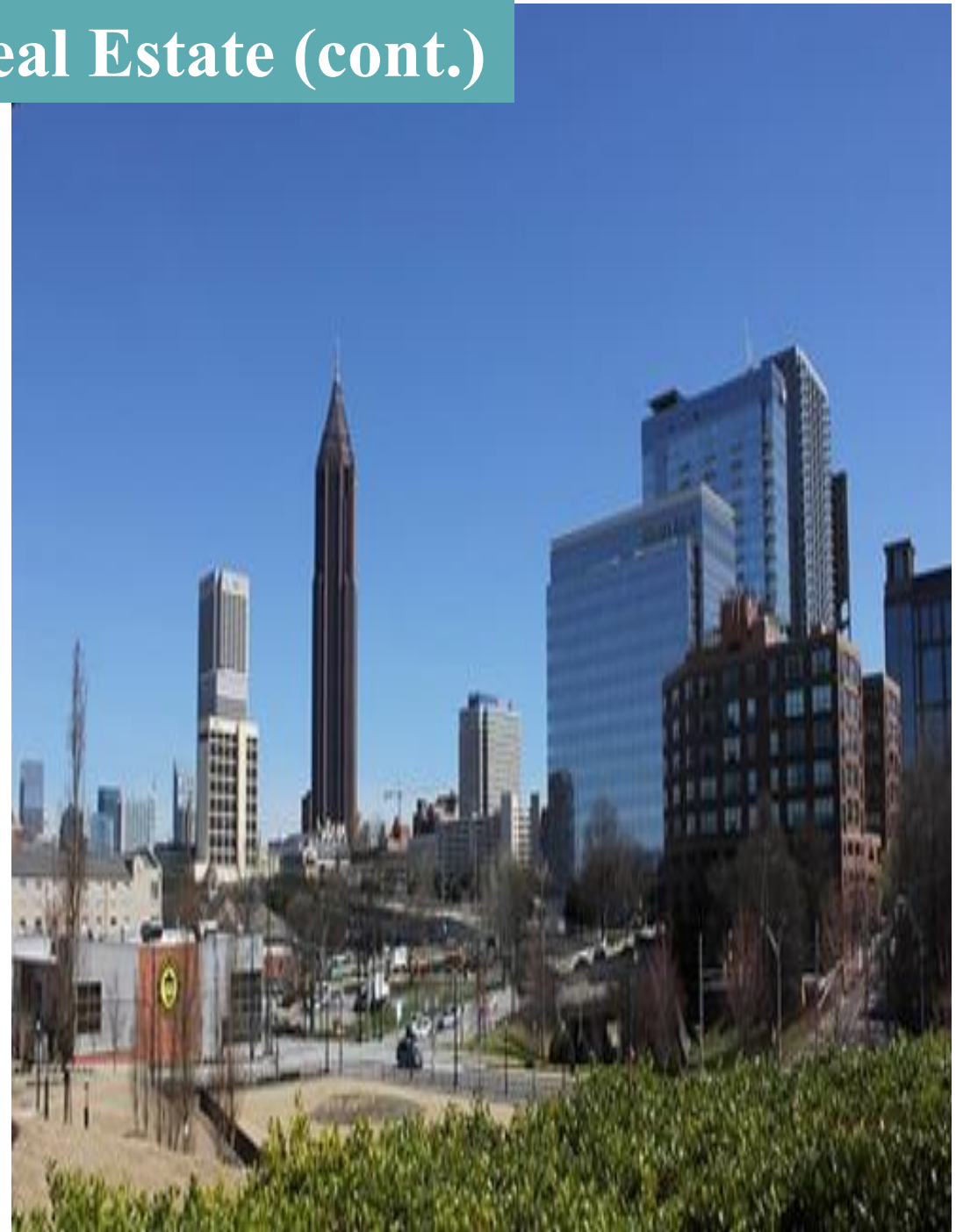
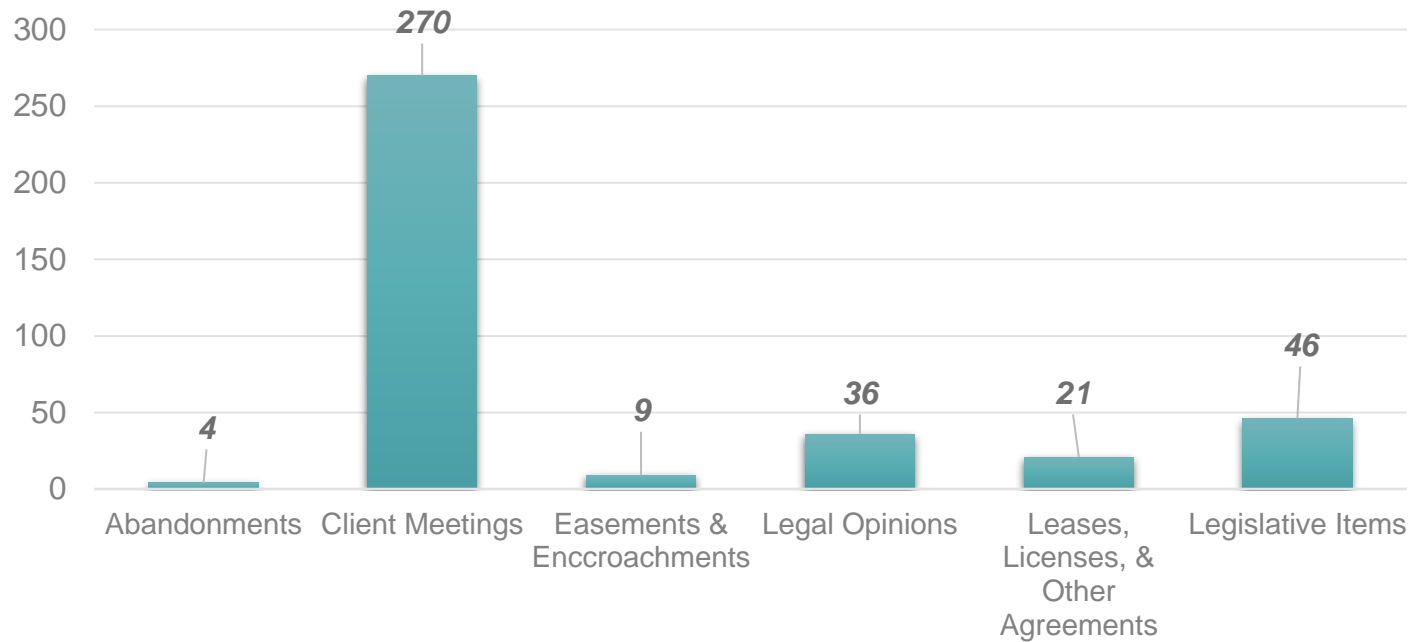


Mattie Freeland Park

The Real Estate and Land Use team represented the Department of Parks and Recreation in the purchase and assemblage of seven adjoining parcels from The Conservation Fund for dedication as a public park to honor Ms. Mattie Freeland, a longtime resident of the English Avenue neighborhood who modeled a lifetime of service and compassion. Additionally, in coordination with Park Pride and the Friends of Mattie Freeland Park, the establishment of this park is the fourth such park to be included in the City of Atlanta's Parks with Purpose project.

Real Estate Metrics as of Q2

Total: 386



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

EXECUTIVE OFFICE

Intergovernmental Agreement (IGA) between the City of Atlanta, Fulton County, and Fulton County Sheriff's Department

The Municipal Governance Team negotiated and drafted the IGA that provides housing for approximately 700 Fulton County detainees at the Atlanta City Detention Center (ACDC).

OFFICE OF CONTRACT COMPLIANCE (OCC)

A. Ritz Interiors, Inc. OCC Appeal Hearing

The Team successfully represented the OCC in the appeal of A. Ritz Interiors, Inc.'s denial of Female Business Enterprise (FBE) Certification. OCC denied A. Ritz Interiors' FBE Certification, because they found that A. Ritz Interiors did not meet the eligibility standards for participation in the City's Equal Business Opportunity program. A. Ritz Interiors unsuccessfully appealed the finding.

CODE ENFORCEMENT

Daron Village Cooperation and Settlement Agreement

The Municipal Governance Team drafted an agreement between the City and the property owner. In the agreement, the property owner agreed to rehabilitate the property and cure known code enforcement violations. This agreement continues the City's mission to eradicate blight.

Atlanta City Code of Ordinances Amendment- Lien Waiver and Release

The Team drafted an Ordinance to amend the City of Atlanta Code of Ordinances Part III-Land Development Code, Appendix E (Atlanta Housing Code of 1987), Article V (Judicial in Rem), Section 56(h) (Lien Waiver and Release) to clarify and affirm the City Council's authority to waive and release liens on certain property under circumstances wherein the property is to be transferred to City ownership to be dedicated to serve a public use or the public good.

Department of Parks & Recreation (DPR) Waiver and Release of Demolition Lien

In accordance with the updated City Code section, the Municipal Governance Team drafted a resolution to waive and release the demolition lien on 3724 Forrest Park Rd. to transfer the property to the City of Atlanta from the property owner.

FINANCE

Department of Finance's (DOF) City's Investor Website & Bondlink/Social Bond Framework

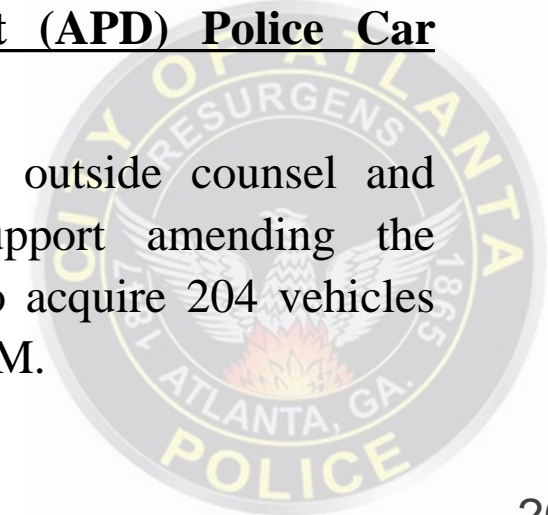
The Municipal Governance Team provided guidance on the information posted on the City's investor relations website. The launch on October 17, 2022, marks the first time the City provided such a site. The website will provide prospective investors with a central location to view data regarding the City's financial, credit, environmental, social, and governance (“ESG”) initiatives. In further support of DOF, the team reviewed the language for the description of the Social Bond Framework. This description was used as the basis for the issuance of the City's Social Bond.

Atlanta Police Department (APD) Helicopter Acquisition

The Team coordinated with outside counsel and reviewed documents to support amending the Master Lease as necessary to acquire three helicopters for APD in the amount of \$10M.

Atlanta Police Department (APD) Police Car Acquisition

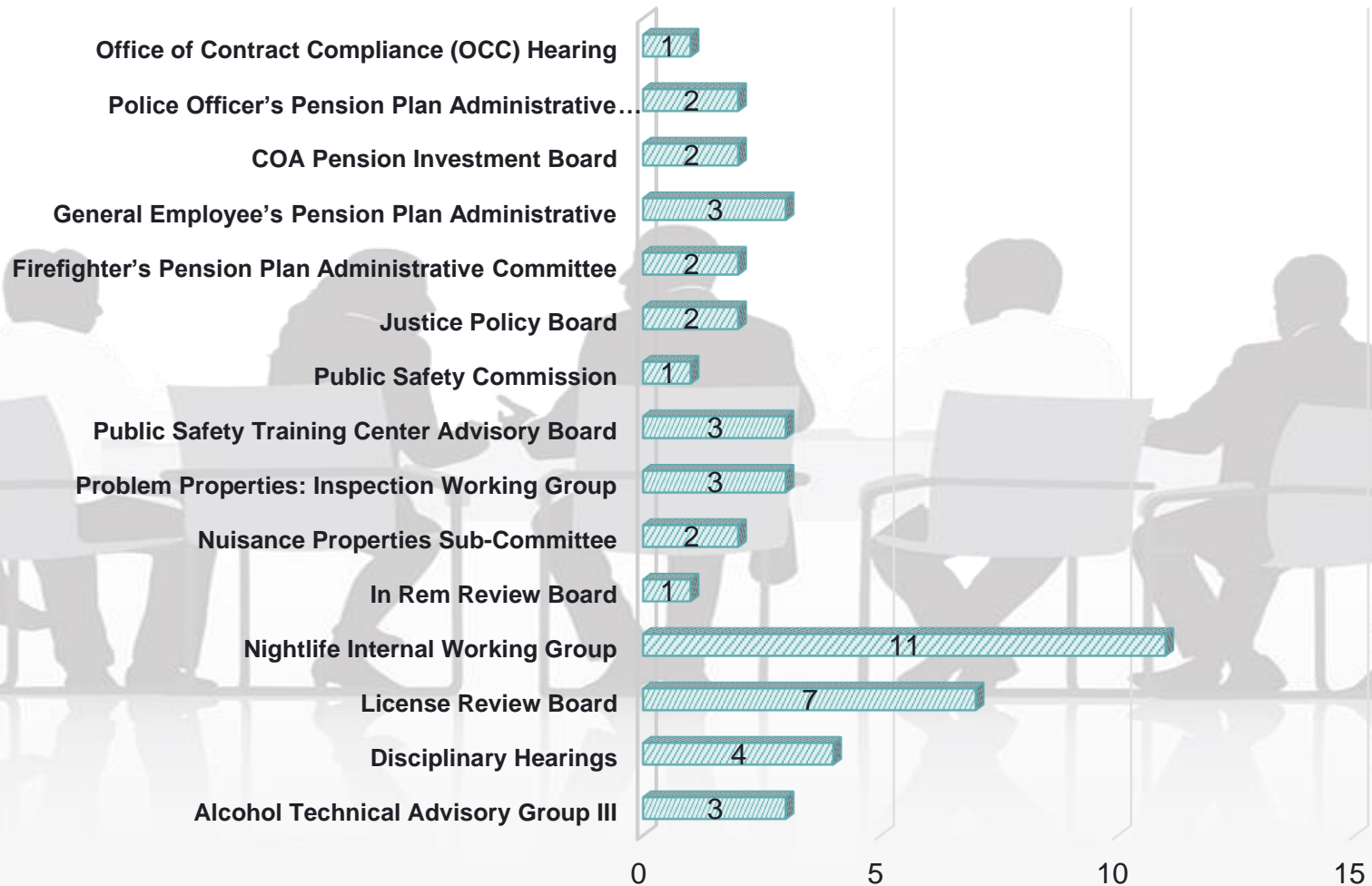
The Team coordinated with outside counsel and reviewed documents to support amending the Master Lease as necessary to acquire 204 vehicles for APD in the amount of \$12M.



B.A.C.E MATTERS

of Matters

Total Matters: 47



OPERATIONS DIVISION HIGHLIGHTS

as of Q2 (October 1-December 31, 2022)

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

Restroom Policy

L&E wrote a City-wide policy to provide a framework to ensure that all people, including transgender and gender nonconforming people, at the City are able to use restrooms, locker room and shower facilities without harassment.

The Restroom Policy furthers the City’s commitment to creating an environment that supports equal employment opportunity and nondiscrimination for all persons, regardless of race, color, religion, age, disability, sex, sexual orientation, gender identity, and national origin. L&E worked with DHR to create a policy that plainly delineates expectations, prohibited behavior and potential consequences for violating the Policy.



On-Call Standard Operating Procedure

L&E worked with the Department of Watershed Management (DWM) in drafting a Standard Operating Procedure (SOP) to provide guidance on the responsibilities, procedure, and appropriate compensation for employees who work outside of their scheduled shift.

The DWM On-Call SOP furthers the City's goal of providing ongoing service and ensuring the health and welfare of the citizens of the City. The SOP clearly sets forth the expectations of employees and the Department while ensuring that the routine selection of employees for on-call assignments is fair and equitable.



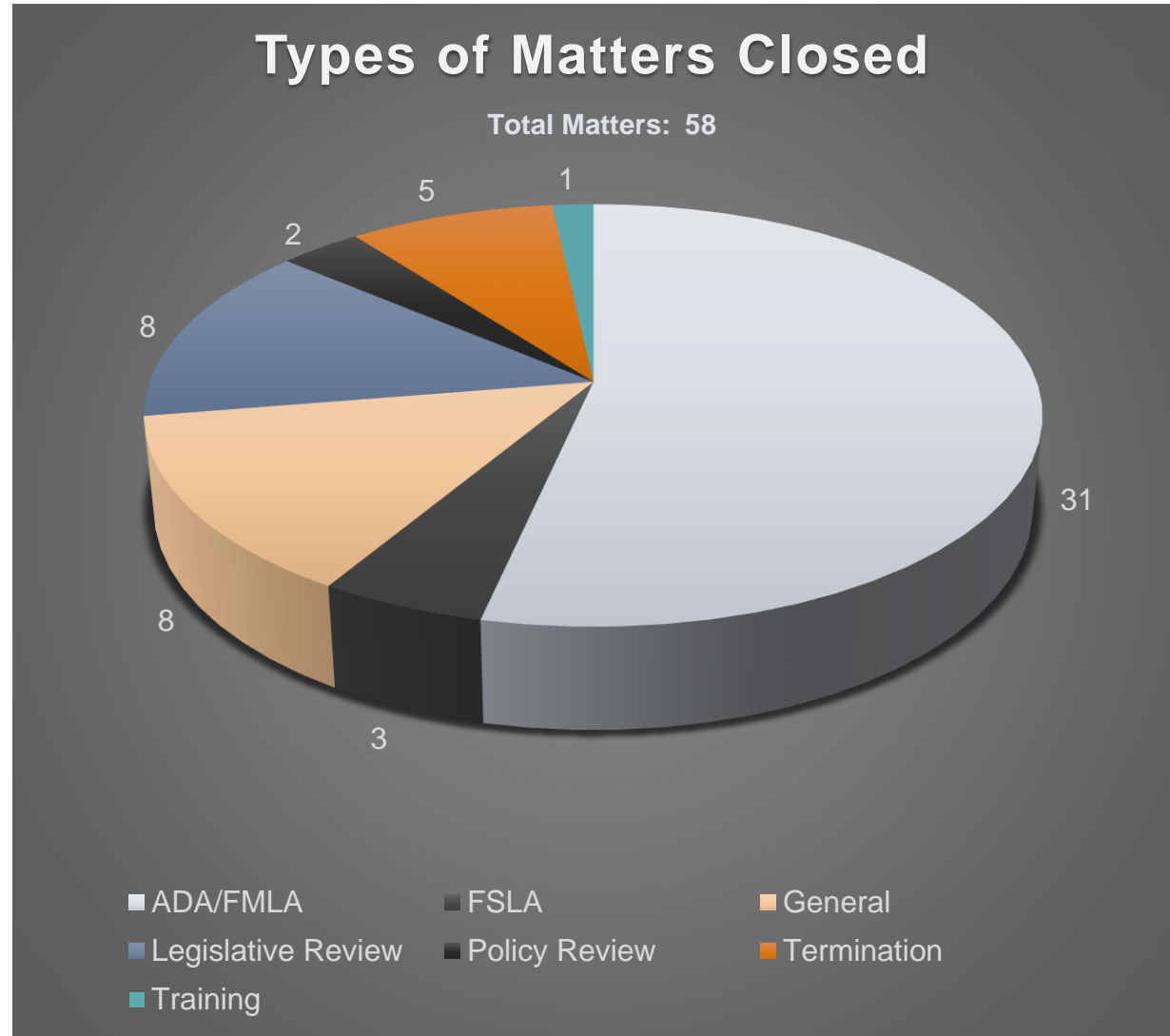


Background Guidelines

L&E collaborated with the advice and counsel attorneys in the Real Estate Division of the Department of Law to provide a legal review of the Department of Parks and Recreation's (DPR) Background Guidelines aimed at setting minimum expectations for DPR volunteers. L&E provided feedback regarding the appropriate consideration of criminal convictions of potential volunteers. L&E advised that volunteers should be held to the same standards as City employees in the context of their criminal convictions being considered and impacting their ability to volunteer with the City.



Labor and Employment Metrics as of Q2

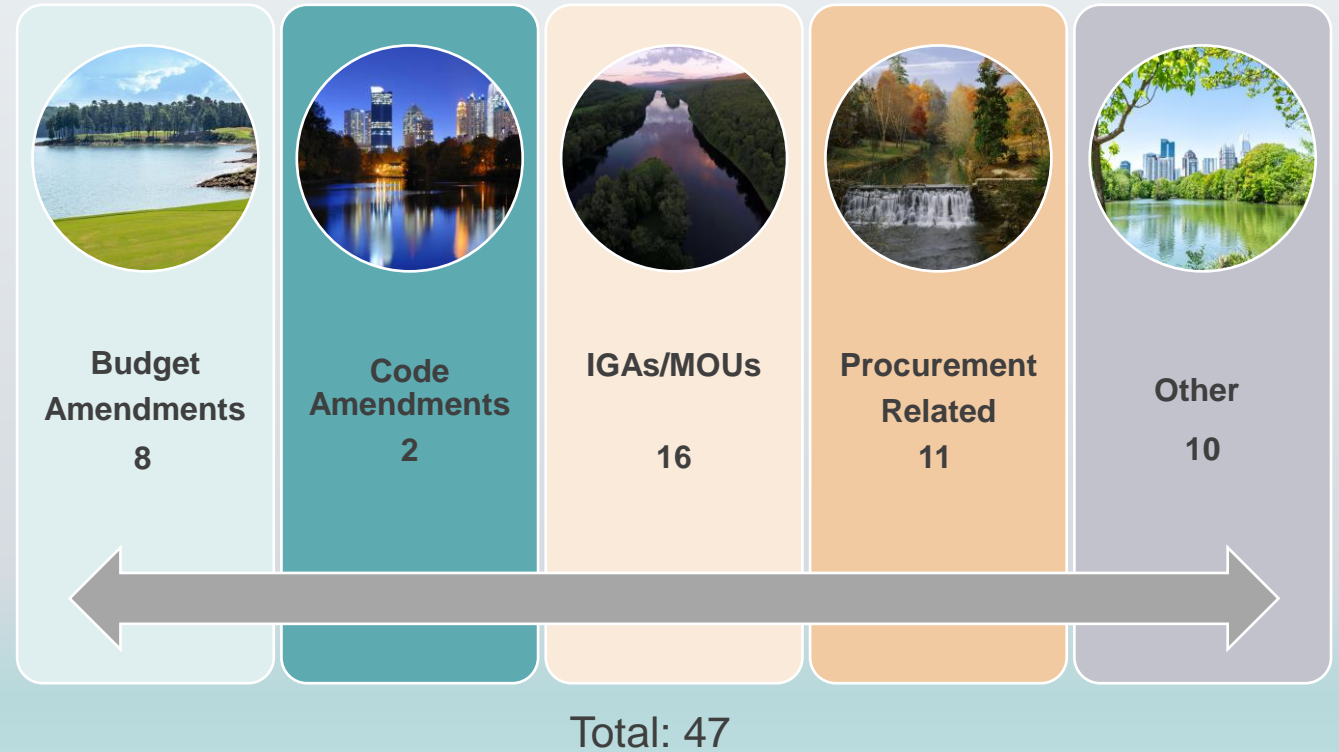


The Department of Law's Watershed Division provided the following legal support to clients:

- Assisted with the creation of the new Office of Resilience and Sustainability by drafting legislation to amend the City Code.
- Provided advice on the establishment of the City's Carbon Credit Program, including procurement and contract advice, real estate advice, and legislative drafting advice.
- Successfully closed out the Watershed FLOAT program by ensuring that all remaining eligible accounts were processed for adjustment and advised on the write off process resulting from the program.

Watershed Metrics as of Q2

Type of Legal Support Provided to Clients



The Department of Law’s Transportation, Public Works, S.A.V.E Team (TPS) provided the following legal support to clients:

Bowers v. Hardwick Historical Marker

Drafted encroachment agreement legislation for the installation of a historic marker to recognize the landmark Supreme Court decision for LGBTQ+ civil rights.

Downtown Sign Ordinance

Provided advice and counsel to ATLDOT regarding encroachment procedures under the 2017 Sign Ordinance amendment for the Downtown Arts and Entertainment District.

Emergency Right-of-Way Maintenance

Reviewed and revised legislation for the Department of Public Works to ensure the continuation of critical right-of-way vegetation and trash removal.

Downtown Repaving Project

Provided advice and counsel to ATLDOT and Atlanta City Council regarding the permitted uses for paving and resurfacing pursuant to the 2015 Infrastructure Bond.

Vine City Residential Permit Parking Program

Led the legislative revisions that updated the Vine City Residential Permit Parking Program to enhance the enforcement areas and create updated signage within the limits of the legal constraints associated with private property interests.

Donations of TSPLOST Funds

Provided advice to Atlanta City Council regarding the City's ability to donate discretionary bond funds to 501(c)(3) organizations to fund capital work in their various districts.





Project Management Agreement Template

Collaborated with ATLDOT, Community Improvement Districts, and other City departments to create a template for future Project Management Agreements to streamline the process for implementing future City-CID partnership projects.



DPW Reorganization Legislation

Assisted with legislation to reorganize, restructure, and transfer \$8,064,538 in funding on behalf of the Department of Public Works in keeping with the amendments to the Solid Waste Code passed in 2022.

Continued Counsel on More MARTA Expansion Program

Analyzed and summarized the current Intergovernmental Agreement between the City and MARTA governing the More MARTA Expansion program.



Moving Atlanta Forward Oversight

Reviewed and revised legislation to adopt the Strategic Delivery Plan for the Moving Atlanta Forward program, in keeping with program oversight goals.

TPS Metrics as of Q2

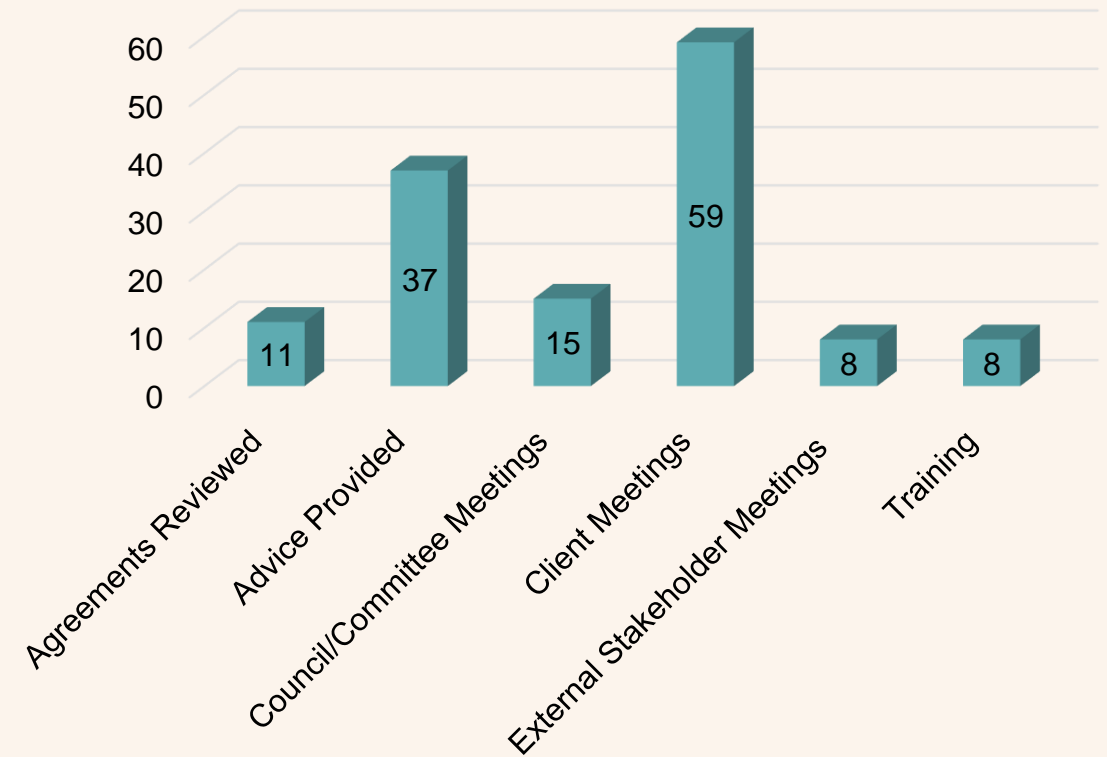
of Legislative Matters

Total Matters: 78



Types of Matters

of Matters | Total Matters: 138



AIRPORT LEGAL DIVISION HIGHLIGHTS

as of Q2 (October 1-December 31, 2022)

Division Highlights: Airport Legal



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

Transportation Security Administration “TSA” Negotiations

The Airport Legal Division completed negotiations with the TSA to commit to security screening for the VIP Terminal as part of a MOU and Reimbursable Services Agreement. This will allow users of these services to be transported to commercial service flights with vehicles that travel along the airport apron area.

Legal Counsel on Checkpoint Protocols

The Airport Legal Division provided legal counsel and advice to Airport Safety and Security Division regarding revision of Employee Screening Security Checkpoint (ESSC) protocols to ensure adherence to ADA reasonable accommodation requirements as part of the employee security screenings at Hartsfield-Jackson Atlanta International Airport.

Division Highlights: Airport Legal (cont.)

Hartsfield-Jackson Atlanta International Airport Advice and Counsel

- The Airport Legal Division provided legal advice and counsel on a FAA complaint filed with the FAA Airport Disability Compliance Program involving Hartsfield-Jackson Atlanta International Airport.
- The Airport Legal Division provided legal advice and counsel on FAA discrimination complaint involving ADA medical conditions and disability security screening accommodations for employees at Hartsfield-Jackson Atlanta International Airport.
- The Airport Legal Division mediated an ADA parking complaint between the Department of Aviation and a disabled driver at Hartsfield-Jackson Atlanta International Airport parking deck.
- The Airport Legal Division provided legal advice and counsel to Aviation Internal Audit regarding remediation of recommendations and audit findings associated with One ATL Customer Experience Program contract management and administration.

Division Highlights: Airport Legal (cont.)

Airport Use and Lease Agreement Training

The Airport Legal Division organized and presented a 5-module training for the airport's senior team regarding the airport's Master Lease agreement referred to as the Airport Use and Lease Agreement (AULA) that covered, among other areas, gating and other facilities and airline rates and charges, at Hartsfield-Jackson Atlanta International Airport.

Rental Car Agreement

The Airport Legal Division drafted and reviewed a renewal agreement for the Consolidated Rental Car Automated People Mover System Operations & Maintenance - Phase 2. This is critical infrastructure for the airport.

Airport Agreements

The Airport Legal Division finalized the contracts and solicitation documents, together with the Contracts Division, for Terminal to Terminal solicitation documents.

Airport Legal Metrics as of Q2

Types of Matters

■ # of Matters | Total Matters: 1,224



REVENUE AND COST RECOVERY

as of Q2 (October 1-December 31, 2022)

Litigation Division

Between October 1 – December 31, 2022, the Litigation Division was served with 95 Quiet Title and Interpleader petitions. In response, the City filed 68 claims for payment totaling \$611,504. During this time period, the City collected \$179,957 in payment of delinquent ad valorem taxes, delinquent solid waste bills, delinquent water bills and unpaid demolition lien costs.

TOTAL CLAIMS AND SETTLEMENT PAYMENTS

as of Q2 (October 1-December 31, 2022)

Q2 Pending Claims

- The Department of Law maintained 525 pending claims from October 1, 2022 to December 31, 2022.

Q2 New Claims

- The Department of Law received 148 new claims from October 1, 2022 to December 31, 2022, an average of 49 new claims per month.

Q2 Resolved Claims

- The Claims Team has resolved 196 claims during the past quarter, an average of 65 claims per month.



Itemized Claims and Settlement Payments by Department

FY23 (Q2) Litigation Case Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
Police	\$43,852,991	\$2,271,000	General Fund
Procurement	\$3,465	\$500	General Fund
Public Works	\$700,000	\$340,000	General Fund
Transportation	\$500,000	\$20,000	General Fund
Watershed Management (Storm Water)	\$1,550,000	\$598,000	General Fund
Watershed Management	\$290,000	\$66,500	Water & Sewer
TOTAL LITIGATION SETTLEMENTS	\$46,896,456	\$3,296,000	

FY23 (Q2) Claim Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
City Planning	\$1,535	\$1,535	General Fund
Fire Rescue	\$9,750	\$7,750	General Fund
Parks and Recreation	\$3,200	\$2,850	General Fund
Police	\$21,939	\$17,772	General Fund
Public Works	\$1,502,874	\$18,124	General Fund
Transportation	\$2,705	\$1,787	General Fund
Watershed Management	\$9,172	\$1,000	Water & Sewer
TOTAL CLAIM SETTLEMENTS	\$1,551,175	\$50,818	
TOTAL FY23 Q2 LITIGATION & CLAIMS	\$48,447,631	\$3,346,818	

Itemized Claims and Settlement Payments by Department

FY23 (Q1-2) Litigation Case Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
Parks and Recreation	\$199,000	\$94,000	General Fund
Police	\$46,971,775	\$3,500,300	General Fund
Procurement	\$3,466	\$500	General Fund
Public Works	\$2,916,772	\$543,973	General Fund
Transportation	\$11,399,500	\$3,079,500	General Fund
Watershed Management (Storm Water)	\$1,555,000	\$648,000	General Fund
Watershed Management	\$1,832,459	\$350,000	Water & Sewer
TOTAL LITIGATION SETTLEMENTS	\$64,877,971	\$8,216,273	

FY23 (Q1-2) Claims Settlement Totals

<u>Department</u>	<u>Demand</u>	<u>Payments</u>	<u>Fund Impact</u>
Aviation	\$1,800	\$1,047	Aviation
City Planning	\$1,535	\$1,535	General Fund
Fire Rescue	\$22,099	\$16,897	General Fund
Parks and Recreation	\$5,322	\$3,850	General Fund
Police	\$264,045	\$80,595	General Fund
Public Works	\$2,502,874	\$23,074	General Fund
Transportation	\$122,696	\$36,732	General Fund
Watershed Management	\$98,375	\$63,396	Water & Sewer
TOTAL CLAIMS SETTLEMENTS	\$3,018,746	\$227,126	
TOTAL FY23 LITIGATION & CLAIMS	\$67,896,717	\$8,443,399	



- The Department of Law has litigated case settlements in FY23 that resulted in the City only paying \$8,216,273 when the demand amount was \$64,877,971.
- The Department of Law has negotiated claims settlements in FY23 that resulted in the City only paying \$227,126 when the demand amount was \$3,018,746.

Outside Counsel Report: Spending to Date



	FY22 <u>July – Mar. 2022</u>	FY23 <u>July – Mar. 2023</u>	<u>% Chg.</u>
<u>SPENDING TO DATE</u>			
AVIATION FUND	339,736	142,409	-58%
WATERSHED FUND	1,128,514	1,079,578	-4%
GENERAL FUND	3,550,518	4,257,179	19%
TOTAL SPENDING COMBINED FUNDS₁	\$5,018,768	\$5,479,166	9%

₁Total Spending Combined Funds excludes DOJ Investigation expenses.

- There is currently an increase overall of 9% in FY23 July - Mar. 2023 outside counsel spending compared to FY22 July - Mar. 2022. In terms of the Enterprise Funds, there is a decrease of 58% in Aviation Fund outside counsel spending and a decrease of 4% in Watershed Fund outside counsel spending due to fewer outsourced matters. In terms of the General Fund, there is currently an increase of 19% in General Fund outside counsel spending compared to FY22 July – Mar. 2022 due to litigation matters.



QUESTIONS