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**CITY COUNCIL AGENDA ITEM**

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**TO:** Mayor & City Council                      **DATE:** January 24, 2011

**FROM:** John McDonough, City Manager

**AGENDA ITEM:** Approval of an Agreement between the City of Sandy Springs and Fulton County to Conduct a Special Election on March 15, 2011, and Authorize the Mayor to Sign

**MEETING DATE:** For Submission onto the February 1, 2011, City Council Regular Meeting Agenda

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*BACKGROUND INFORMATION: (Attach additional pages if necessary)*

See attached:

Memorandum  
Projected Cost

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**APPROVAL BY CITY MANAGER:**                                          APPROVED

\_\_\_\_\_ NOT APPROVED

**PLACED ON AGENDA FOR:**                     2/1/2011                    

**CITY ATTORNEY APPROVAL REQUIRED:** (  ) YES      (  ) NO

**CITY ATTORNEY APPROVAL:**                                         

**REMARKS:**



To: Honorable Mayor and City Council Members

From: Wendell Willard, City Attorney

Date: January 24, 2011, for Submission onto the February 1, 2011, City Council Meeting Agenda

Item: Approval of an Agreement between the City of Sandy Springs and Fulton County to Conduct a Special Election on March 15, 2011, and Authorize the Mayor to Sign.

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***City Clerk Recommendation:***

Staff recommends approval of an agreement with Fulton County to conduct the City's Special Election and to authorize the Mayor to sign an Intergovernmental Agreement with Fulton County subject to the approval of the Legal Department.

***Background:***

Councilmember Ashley Jenkins resigned her position as City Councilmember for District 4, effective January 21, 2011.

***Discussion:***

The City Charter and State law requires that a Special Election be conducted to fill this unexpired term. Therefore, staff is requesting approval for a contract with Fulton County Registration & Elections to conduct a Special Election to fill this vacancy. The cost of the Special Election is estimated at \$15,400.00. If a runoff for the election is needed, the cost for the runoff is estimated at \$14,245.00. The total estimated cost for the Special Election and Special Election Runoff is \$29,645.00. This includes all costs to conduct the election(s). City Clerk Staff will only be required to qualify candidates for the election.

***Alternatives:***

None noted at this late time.

**GEORGIA**

**FULTON COUNTY:**

**THIS AGREEMENT** entered into between the **City of Sandy Springs**, 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**, City in the performance of its governmental functions will hold the election hereinafter described; and,

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

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

1.

This contract shall govern the conduct of the following election hereinafter referred to as "election," **City of Sandy Springs Special Election** to be held on **March 15, 2011** and the **City of Sandy Springs Special Runoff Election** to be held on **April 12, 2011**.

2.

The Fulton County Board of Registration and Elections shall operate as 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 or runoff thereof, except as hereinafter provided.

3.

The cost of such elections shall be in accordance with the budget attached hereto as Exhibit "A" and made a part hereof by reference. City agrees to pay County the original sum of **\$15,400.00** for the **City of Sandy Springs Special Election** and **\$14,245.00** for the **City of Sandy Springs Special Runoff 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 upon execution of this contract by all parties involved. Within one hundred twenty (120) days after the date of the election or any run-off election related thereto, whichever is last to occur, County shall furnish to City a complete statement showing all costs and expenses incurred in the election and refund any excess in the election account or collect any deficit which may be in said account. After this time, all other invoices received will be forwarded to the City for payment.

4.

The County shall not be financially responsible for any liability resulting from or furnishing of any services in the form of legal opinions or defenses in connection with any litigation arising by reason of the election. All legal services and defenses of litigation required by any Board or person arising from the afore-mentioned election(s) under this contract shall be furnished by the City Attorney for the City. 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 expense of the City; 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 hereinabove before incurring legal fees on its own behalf for which the City shall be responsible.

5.

All decisions concerning the qualifications of candidates shall be determined by the Clerk of Council of the **City of Sandy Springs** in accordance with the provisions of the Municipal Election Code and the Code of Ordinances of the City.

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.

To the extent allowed by law, the CITY agrees to indemnify, defend and hold harmless **FULTON COUNTY** with respect to any claim, demand, action, damages, judgment, cost and/or expenses (including, without limitation, reasonable attorney's fees and legal expenses) to which **FULTON COUNTY** may be subjected as a consequence of or as a result of any error, omission, tort, intentional tort, willful misconduct, or any other negligence on the part of the CITY and/or its employees.

8.

To the extent allowed by law, **FULTON COUNTY** agrees to indemnify, defend and hold harmless the CITY with respect to any claim, demand, action, damages, judgment, cost and/or expenses (including, without limitation, reasonable attorney's fees and legal expenses) to which the CITY may be subjected as a consequence of or as a result of any error, omission, tort, intentional tort, willful misconduct, or any other negligence on the part of the **FULTON COUNTY** and/or its employees.

**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.

**CITY OF SANDY SPRINGS**

(Seal)

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**FULTON COUNTY**

**APPROVED AS TO SUBSTANCE:**

(Seal)

\_\_\_\_\_  
Chair, Board of Commissioners

Attest: \_\_\_\_\_  
Clerk to Commission

**APPROVED AS TO FORM:**

\_\_\_\_\_  
County Attorney

(Seal)

\_\_\_\_\_  
Fulton County Board of Registration & Elections

**PROJECTED COST**

**SANDY SPRINGS SPECIAL ELECTION- MARCH 15, 2011**

|   |               |          |
|---|---------------|----------|
| 350-265-2687-1001 SALARIES - OVERTIME                 |               |          |
| Information Technology, Registration & Elections..... |               | \$1,500  |
| 350-265-2687-1004 SALARIES - TEMPORARY                |               |          |
| Admin. Aides, Drivers, Voting Equip Tech., etc .....  |               | \$0      |
| 350-265-2687-1010 SOCIAL SECURITY                     |               |          |
| (salaries).....                                       | \$1,500 ..... | \$90     |
| 350-265-2687-1011 SOCIAL SECURITY-MEDICARE...         | \$1,500 ..... | \$20     |
| 350-265-2687-1060 UNEMPLOYMENT INS.....               | \$1,500 ..... | \$0      |
| 350-265-2687-1120 RENTAL EQUIPMENT                    |               |          |
| Cell Phones   | \$150         |          |
| TOTAL LEASES.....                                     |               | \$150    |
| 350-265-2687-1121 RENTAL BUILDINGS                    |               |          |
| Public and Private Facilities.....                    | \$0           |          |
| TOTAL RENTAL.....                                     |               | \$0      |
| 350-265-2687-1159 HOURLY FEE PERSONNEL                |               |          |
| Poll Workers  |               |          |
| 2 Dual Mgrs. @ \$ 275.....                            | \$550         |          |
| 3 Chief Mgrs @ \$ 250.....                            | \$750         |          |
| 10 Asst. Mgrs. @ \$ 200.....                          | \$2,000       |          |
| 10 Clerks @ \$ 175.....                               | \$1,750       |          |
| Poll Worker Trng. Cls (25 @ \$30).....                | \$750         |          |
| Total Poll workers.....                               | \$5,800       |          |
| Election Night Workers (@ variable rates.....         | \$1,200       |          |
| TOTAL HOURLY FEE PERSONNEL.....                       |               | \$7,000  |
| 350-265-2668-1160 PROFESSIONAL SERVICES               |               |          |
| Attorney Fees.....                                    |               | \$0      |
| 350-265-2687-1178 FEES                                |               |          |
| 5 Members @ \$50/meeting .....                        |               | \$500    |
| 350-265-2687-1452 VEHICLE SUPPLIES                    |               |          |
| Gasoline.....   |               | \$150    |
| 350-265-2687-1456 POSTAGE                             |               |          |
| Absentee Ballots                                      |               |          |
| letters to voters, candidates,                        |               |          |
| poll workers, other.....                              |               | \$1,600  |
| 350-265-2687-1459 PRINTING & BINDING.....             |               | \$300    |
|   |               | \$100    |
| 350-265-2687-1461 PHOTOCOPIES.....                    |               | \$300    |
| BALANCE CARRIED FORWARD.....                          |               | \$11,710 |

PROJECTED COST

|   |         |                 |
|---|---------|-----------------|
| BALANCE BROUGHT FORWARD.....  |         | \$11,710        |
| 350-265-2687-1462 OFFICE SUPPLIES                                   |         |                 |
| Miscellaneous Office Supplies.....                                  | \$1,000 |                 |
| Ballot Cards @ 400/M (500).....                                     | \$700   |                 |
| TOTAL SUPPLIES.....   |         | \$1,700         |
| 350-265-2687-1475 STOCKPAPER.....                                   |         | \$0             |
| 350-265-2687-1501 INSURANCE - HEALTH.....                           |         | \$160           |
| 350-265-2687-1505 INSURANCE - LIFE.....                             |         | \$10            |
| 350-265-2687-1510 INSURANCE - DENTAL.....                           |         | \$20            |
| 350-265-2687-1512 INS-VISION.....                                   |         | \$0             |
| 350-265-2687-1522 RETIREMATCH.....                                  |         | \$50            |
| 350-265-2687-1525 PENSION EMPLOYEES.....                            |         | \$270           |
| 350-265-2687-1527 DC-CNTR-EPLR.....                                 |         | \$60            |
| 350-265-2687-1529 DC-CNTR-2%.....                                   |         | \$20            |
| <br>SUBTOTAL.....   |         | <br>\$14,000    |
| 350-265-2687-13EL ELECTIONS ADMINISTRATIVE ... SURCHARGE (10%)..... |         | \$1,400         |
| TOTAL SANDY SPRINGS SPECIAL ELECTION .....                          |         | <u>\$15,400</u> |

**PROJECTED COST**

**SANDY SPRINGS SPECIAL ELECTION RUNOFF- APRIL 12, 2011**

|   |               |          |
|---|---------------|----------|
| 350-265-2687-1001 SALARIES - OVERTIME                 |               |          |
| Information Technology, Registration & Elections..... |               | \$1,500  |
| 350-265-2687-1004 SALARIES - TEMPORARY                |               |          |
| Admin. Aides, Drivers, Voting Equip Tech., etc .....  |               | \$0      |
| 350-265-2687-1010 SOCIAL SECURITY                     |               |          |
| (salaries).....                                       | \$1,500 ..... | \$90     |
| 350-265-2687-1011 SOCIAL SECURITY-MEDICARE...         | \$1,500 ..... | \$20     |
| 350-265-2687-1060 UNEMPLOYMENT INS.....               | \$1,500 ..... | \$0      |
| 350-265-2687-1120 RENTAL EQUIPMENT                    |               |          |
| Cell Phones   | \$150         |          |
| TOTAL LEASES.....                                     |               | \$150    |
| 350-265-2687-1121 RENTAL BUILDINGS                    |               |          |
| Public and Private Facilities.....                    | \$0           |          |
| TOTAL RENTAL.....                                     |               | \$0      |
| 350-265-2687-1159 HOURLY FEE PERSONNEL                |               |          |
| Poll Workers  |               |          |
| 2 Dual Mgrs. @ \$ 275.....                            | \$550         |          |
| 3 Chief Mgrs @ \$ 250.....                            | \$750         |          |
| 10 Asst. Mgrs. @ \$ 200.....                          | \$2,000       |          |
| 10 Clerks @ \$ 175.....                               | \$1,750       |          |
| Total Poll workers.....                               | \$5,050       |          |
| Election Night Workers (@ variable rates.....         | \$1,200       |          |
| TOTAL HOURLY FEE PERSONNEL.....                       |               | \$6,250  |
| 350-265-2668-1160 PROFESSIONAL SERVICES               |               |          |
| Attorney Fees.....                                    |               | \$0      |
| 350-265-2687-1178 FEES                                |               |          |
| 5 Members @ \$50/meeting .....                        |               | \$500    |
| 350-265-2687-1452 VEHICLE SUPPLIES                    |               |          |
| Gasoline.....   |               | \$150    |
| 350-265-2687-1456 POSTAGE                             |               |          |
| Absentee Ballots                                      |               |          |
| letters to voters, candidates,                        |               |          |
| poll workers, other.....                              |               | \$1,600  |
| 350-265-2687-1459 PRINTING & BINDING.....             |               | \$300    |
| 350-265-2687-1461 PHOTOCOPIES.....                    |               | \$100    |
| BALANCE CARRIED FORWARD.....                          |               | \$10,660 |

**PROJECTED COST**

|   |         |                 |
|---|---------|-----------------|
| BALANCE BROUGHT FORWARD.....  |         | \$10,660        |
|   |         |                 |
| 350-265-2687-1462 OFFICE SUPPLIES                                   |         |                 |
| Miscellaneous Office Supplies.....                                  | \$1,000 |                 |
| Ballot Cards @ 400/M (500).....                                     | \$700   |                 |
| TOTAL SUPPLIES.....   |         | \$1,700         |
|   |         |                 |
| 350-265-2687-1475 STOCKPAPER.....                                   |         | \$0             |
|   |         |                 |
| 350-265-2687-1501 INSURANCE - HEALTH.....                           |         | \$160           |
| 350-265-2687-1505 INSURANCE - LIFE.....                             |         | \$10            |
| 350-265-2687-1510 INSURANCE - DENTAL.....                           |         | \$20            |
| 350-265-2687-1512 INS-VISION.....                                   |         | \$0             |
| 350-265-2687-1522 RETIREMATCH.....                                  |         | \$50            |
| 350-265-2687-1525 PENSION EMPLOYEES.....                            |         | \$270           |
| 350-265-2687-1527 DC-CNTR-EPLR.....                                 |         | \$60            |
| 350-265-2687-1529 DC-CNTR-2%.....                                   |         | \$20            |
|   |         |                 |
| SUBTOTAL.....   |         | \$12,950        |
| 350-265-2687-13EL ELECTIONS ADMINISTRATIVE ... SURCHARGE (10%)..... |         | <u>\$1,295</u>  |
| TOTAL SANDY SPRINGS SPECIAL ELECTION RUNOFF .....                   |         | <u>\$14,245</u> |
|   |         |                 |
| TOTAL SPECIAL ELECTION AND SPECIAL ELECTION RUNOFF.....             |         | <u>\$29,645</u> |