05-R-1193

AN RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO CONTINUE TO RETAIN THE LAW FIRM OF KILPATRICK STOCKTON, LLP TO REPRESENT THE CITY OF ATLANTA IN THE MATTER OF THE ATLANTA JOURNAL CONSTITUTION, USA TODAY, ET AL V. CITY OF ATLANTA, CAFNs: 1:96-CV-1738 AND 1:96-CV-1847 UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA AND ANY APPEALS; ANY OTHER RELATED ISSUES OR MATTERS REGARDING THE DEFENSE OF THE CITY'S RIGHT TO ESTABLISH THE TIME, PLACE AND MANNER IN WHICH NEWSPAPER VENDING BOXES ARE PLACED IN THE AIRPORT; TO AUTHORIZE PAYMENT TO SUCH COUNSEL IN AN AMOUNT NOT TO EXCEED $200,000.00, TO BE PAID FROM FUND ACCOUNT AND CENTER NO. 2H01 524001 H11001; AND FOR OTHER PURPOSES..

WHEREAS, the City of Atlanta as owner and operator of the Hartsfield-Jackson Atlanta International Airport (the "Airport") has provided newspaper vending boxes for rental to newspaper publishers who desire to sell their papers in such manner at the Airport, of sufficient number, type capacity and in locations that will meet the reasonable demands of the traveling public and others at the Airport, in a manner consistent with appropriate safety and security requirements; and

WHEREAS, the publishers of certain newspapers refused to use the new vending boxes and filed a lawsuit to prevent the Aviation General Manager from enforcing the new requirements; and

WHEREAS, a favorable resolution to this law suit by the City is important to the City on a financial and precedential basis; and

WHEREAS, Section 2-396 of the City of Atlanta Code of Ordinances vests the City Attorney "with complete and exclusive authority and jurisdiction in all matters of law;" and

WHEREAS, the City Attorney has determined that, in order to most effectively and efficiently represent the City in this dispute, the attorney(s) handling the dispute must have an expertise in the area of First Amendment and law newspaper vending box litigation; and

WHEREAS, the attorneys at Kilpatrick Stockton, LLP specialize in the area of First Amendment law and newspaper vending box litigation and have an excellent reputation; and

WHEREAS, on November 18, 1996, the Council of the City of Atlanta authorized the City Attorney to retain Kilpatrick Stockton, LLP to serve as outside counsel in this dispute; and

WHEREAS, the lawsuit continues to be ongoing and the City still must defend its right to establish the time, place and manner in which it places newspaper vending boxes at the Airport; and

WHEREAS, the City Attorney recommends that the City continue to retain Kilpatrick Stockton, LLP to represent the City in this dispute; and

WHEREAS, Kilpatrick Stockton, LLP is not able at this time to estimate the total cost of continuing to handle this matter; and

WHEREAS, the City Attorney requests additional authorization to expend funds to compensate and reimburse Kilpatrick Stockton, LLP in an amount not to exceed Two Hundred Thousand and 00/100 Dollars ($200,000.00), with the understanding that the cost of handling this dispute may exceed this amount, and that, if necessary, the City Attorney will return to the City Council in the future with a status report on the matter and a request for authorization for additional funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the City Attorney authorized to continue the retainer agreement with Kilpatrick Stockton, LLP, or other appropriate documentation, to retain services of the Firm to serve as outside counsel for the city on this matter, in an amount not to exceed Two Hundred Thousand and 00/100 Dollars ($200,000.00).

BE IT FINALLY RESOLVED that the Chief Financial Officer is hereby authorized to continue to remit payment of all legal fees, expenses and costs due for legal services rendered or incurred by the law firm of Kilpatrick Stockton, LLP, and its consultants, including experts, in connection with the forgoing matter after approved for payment by the City Attorney or her designee, in an amount not to exceed Two Hundred Thousand and 00/100 ($200,000.00) to be paid from the Fund Account and Center Number 2H01 524001 H11001.