

1 A RESOLUTION BY THE BOARD OF COMMISSIONERS AUTHORIZING THE
2 TERMINATION OF CERTAIN LEASES UTILIZED BY THE DISTRICT ATTORNEY;
3 DELEGATING AUTHORITY TO THE COUNTY MANAGER TO NEGOTIATE THE
4 EFFECTIVE TERMINATION AND OR SUSPENSION OF CERTAIN LEASES WHEN IN
5 THE BEST INTEREST OF FULTON COUNTY; REQUIRING THE COUNTY MANAGER
6 TO SPREAD SUCH ACTIONS ON THE MEETING MINUTES OF A SUBSEQUENT
7 BOARD OF COMMISSIONERS' MEETING; AUTHORIZING THE COUNTY MANAGER
8 TO EXECUTE THOSE DOCUMENTS NECESSARY TO TERMINATE THOSE LEASES
9 APPROVED BY THE BOARD OF COMMISSIONERS; AUTHORIZING THE COUNTY
10 ATTORNEY TO APPROVE ANY REQUIRED DOCUMENTS AS TO FORM AND MAKE
11 MODIFICATIONS AS NECESSARY PRIOR TO EXECUTION; AND FOR OTHER
12 PURPOSES

13 WHEREAS, Fulton County finds it necessary to negotiate and lease commercial
14 office spaces from various entities within Fulton County to provide adequate and sufficient
15 space for utilization by Fulton County elected officials, departments and agencies to
16 deliver essential services to its citizens from these facilities; and

17 WHEREAS, to negotiate competitive rates and to comply with applicable state
18 laws prohibiting unreasonable debt, these commercial leases, among other things, are
19 subject to yearly financial appropriations by Fulton County, include build-out termination
20 costs to capture the financial outlays of the landlords to configure their spaces for use by
21 County officials, department and agencies, and contain renewals and terminations
22 clauses effective upon notice to the various landlords; and

23 WHEREAS, the newly elected Fulton County District Attorney has identified four
24 (4) leases that do not align with the future operations of her office and has requested that
25 Fulton County terminate those leases; and

26 WHEREAS, the newly elected District Attorney has identified the following lease
27 locations that she has requested that Fulton County terminate: 461 Nelson Street, Atlanta,
28 Georgia; 2472 Martin Luther King Jr. Dr., SW, Atlanta, Georgia; 2996 Grandview Avenue,
29 Atlanta, Georgia; and 4910 Jonesboro Road, Building 100, Suite 104, Union City,
30 Georgia; and

1 **WHEREAS**, Fulton County lease agreements designate “Fulton County” and not
2 a specific person with the authority to terminate or suspend the leases entered into by the
3 Board of Commissioners; and

4 **WHEREAS**, it has also been the practice and custom of Fulton County to seek the
5 permission of the Board of Commissioners to terminate or suspend lease agreements
6 entered into by the Board of Commissioners under the authority granted by Fulton County
7 Code § 1-117, when a specific County person is not expressly designated with this power
8 in a lease agreement; and

9 **WHEREAS**, the Board of Commissioners has determined that terminating the
10 leases identified by the newly elected Fulton County District Attorney will assist her in her
11 desire to operate her office in a manner that best serves the citizens of Fulton County;
12 and

13 **WHEREAS**, it is a Fulton County initiative that all people trust that government is
14 efficient and requires staff and the County Manager to implement procedures and
15 recommend policies that optimize service levels for all operations to include the
16 management of lease agreements involving Fulton County and real property owned by
17 Fulton County; and

18 **WHEREAS**, circumstances also occur from time to time that require Fulton County
19 to provide timely notice to terminate certain leases that are no longer beneficial to the
20 County’s interest, where waiting for formal Board of Commissioners’ approval of such
21 termination could adversely affect the County’s ability to timely terminate them or
22 negatively affect the County’s financial position or obligations under the lease term; and

23 **WHEREAS**, pursuant to Fulton County Code § 2-152, the County Manager, as the
24 chief executive officer of Fulton County, has the duty “to conduct, supervise and
25 administer all county affairs, subject only to the general law, to rules prescribed by the
26 [Board of Commissioners], and subject to the right of the [Board of Commissioners] to
27 review, repeal or modify any action of the [County Manager] which is contrary to the
28 general law or such rules....”; and

1 **WHEREAS**, it is the recommendation of the Department of Real Estate and Asset
2 Management that the County Manager or his/her designee be given the authority
3 terminate the County's lease agreements when it is in the County's best interest to do so,
4 to sign those documents necessary to manage the County's lease agreements to include
5 estoppel certificates and the granting of temporary right of access agreements to Fulton
6 County owned real property for the purpose of making general onsite repairs and for
7 public safety, among other purposes; and

8 **WHEREAS**, the Board of Commissioners has also determined that delegating to
9 the County Manager or his/her designee the authority to terminate lease agreements
10 entered into by the Board of Commissioners, along with the power to manage and execute
11 other documents required to effectuate lease agreements, will serve the County's interest
12 in preserving County resources and avoid circumstances where a delay may jeopardize
13 the County's interest.

14 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners hereby
15 approves the County Manager completing the effective termination of the following lease
16 agreements identified by the newly elected Fulton County District Attorney at the stated
17 locations as no longer being aligned with the operations of her office: 461 Nelson Street,
18 Atlanta, Georgia; 2472 Martin Luther King Jr. Dr., SW, Atlanta, Georgia; 2996 Grandview
19 Avenue, Atlanta, Georgia; and 4910 Jonesboro Road, Building 100, Suite 104, Union City,
20 Georgia.

21 **BE IT FURTHER RESOLVED**, that County staff is directed to take all necessary
22 steps to effectuating the termination of these lease agreements, including delivering
23 necessary notices and execution of necessary and related documents, and that the
24 Finance Department is hereby authorized to expend all necessary funding that Fulton
25 County is obligated to pay relating to the termination of the named leases from a funding
26 source identified by the County Manager under the approved County Budget or that of
27 the affected department.

28 **BE IT FURTHER RESOLVED**, that the County Manager or his/her designee is
29 delegated with the authority to terminate or suspend Fulton County's lease agreements

1 when it is in the County's best interest to do so, to sign those documents necessary to
2 manage the County's lease agreements, to include estoppel certificates and the granting
3 of temporary right of access agreements to Fulton County owned real property for the
4 purpose of making general onsite repairs and public safety.

5 **BE IT FURTHER RESOLVED**, that the County Manager shall consult with the
6 County Attorney, the Finance Department and the affected department prior to
7 terminating a lease agreement.

8 **BE IT FURTHER RESOLVED**, that the County Manager or his/her designee is
9 required to spread the effective termination of lease agreements involving Fulton County
10 on the meeting minutes of the next available Board of Commissioners' meeting, to include
11 all financial outlays or payments required by Fulton County stemming from the
12 termination.

13 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
14 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
15 are hereby repealed to the extent of the conflict.

16 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
17 Georgia, this 20th day of January, 2021.

18
19 **FULTON COUNTY BOARD OF COMMISSIONERS**
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22 
23 _____
24 Robert L. Pitts, Chairman

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26
27 ATTEST:
28 
29 _____
30 Tonya R. Grier, Clerk to the Commission
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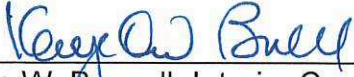
1 APPROVED AS TO FORM:
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Kaye W. Burwell, Interim County Attorney

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