

**INTERGOVERNMENTAL AGREEMENT FOR THE
PROVISION OF ELECTION SERVICES BETWEEN
FULTON COUNTY, GEORGIA and
CITY OF ATLANTA, GEORGIA**

THIS INTERGOVERNMENTAL AGREEMENT is entered into this 15th day of July, 2022, between Fulton County, Georgia ("County"), a political subdivision of the State of Georgia, and the City of Atlanta, Georgia ("City"), a municipal corporation lying wholly or partially within the County.

WHEREAS, the parties to this Agreement are both governmental units; and

WHEREAS, the County and the City desire to maintain a mutually beneficial, efficient, and cooperative relationship that will promote the interests of the citizens of both jurisdictions; and

WHEREAS, the City desires to contract with the County to conduct this election for the citizens of the City pursuant to the applicable laws of the State of Georgia; and

WHEREAS, the City and the County are authorized by Art. IX, Sec. III, Par. I of the Constitution of the State of Georgia to contract for any period not exceeding fifty (50) years for the provision of facilities or services which they are authorized by law to provide, including an agreement for the conduct of the City elections; and

WHEREAS, O.C.G.A. § 21-2-45(c) authorizes the governing authority of any municipality to contract with the county within which that municipality wholly or partially lies to conduct any or all elections; and

WHEREAS, pursuant to O.C.G.A. § 21-2-45(c), a municipality may by ordinance authorize a county to conduct such election(s), and the City has adopted such an ordinance; and

WHEREAS, the Fulton County Board of Registration and Elections ("BRE") has jurisdiction over the conduct of primaries and elections and the registration of electors in the County; and

WHEREAS, the BRE, among other things, is responsible for the selection and appointment of the elections Superintendent, who selects, appoints, and trains poll workers for elections.

NOW THEREFORE, in consideration of the following mutual obligations, the County and City agree as follows:

- f) Performing duties of elections Superintendent, and absentee ballot clerk for the November 8, 2022 City Special election;
- g) Performing logic and accuracy testing as required by Sections 183-1-12-.02 and .07 of the Official Compilation of Rules and Regulations of the State of Georgia, now and as they may be hereafter amended;
- h) Providing staff, equipment and supplies for conducting the November 8, 2022 City special election at City polling places on City election days and for conducting recounts as may be required;
- i) Certifying City election returns as required by state law O.C.G.A. § 21-2-493, now and as it may be amended hereafter, and submitting certified City election returns to the Georgia Secretary of State and City Clerk or as otherwise directed;
- j) Upon a change in City precincts or voter districts, notifying City residents of any change in voting districts and/or municipal precincts; and

3.2 The City shall be responsible for:

- a) Recommending early voting sites and hours of operation to the County.
- b) Adopting Election resolutions pursuant to O.C.G.A. § 21-2-45(c), now and as it may be amended hereafter, and calls for special City elections as required by O.C.G.A. § 21-2-540, now and as it may be amended hereafter;
- c) Preparing qualifying materials for potential candidates and performing qualifying of candidates, including any write-in candidates, for City elections as required by state law, specifically O.C.G.A. § 21-2-130 *et seq.*, now and as it may be amended hereafter;
- d) Placing advertisements in the City's legal organ regarding calls for City elections, as required by state law O.C.G.A. § 21-2-540, now and as it may be amended hereafter;
- e) Fixing and publishing the qualifying fee as required by state law under O.C.G.A. § 21-2-131, now and as it may be amended hereafter;
- f) Collecting and retaining the qualifying fee as required by state law O.C.G.A. § 21-2-131, now and as it may be amended hereafter;

County within thirty (30) days of receipt of any invoice for reimbursement from the County. If a second election is required, such election will constitute a City Election under this Agreement and shall be conducted in accordance with the terms of this Agreement.

5.3 To the extent allowed by law, the City agrees to defend and hold harmless the 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 the 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.

5.4 To the extent allowed by law, the County agrees to 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 County and/or its employees.

5.5 It is the intent of the parties to be covered under the auspices of any applicable immunity granted by law.

5.6 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.

ARTICLE 6 EMPLOYMENT STATUS

6.1 All County personnel assigned under this Agreement are and will continue to be employees of the County for all purposes, including, but not limited to: duties and responsibilities, employee benefits, grievance, payroll, pension, promotion, annual or sick leave, standards of performance, training, workers compensation and disciplinary functions.

6.2 All County personnel assigned under this Agreement are and will continue to be part of the Fulton County Department of Registration and Elections and under the supervision of the Superintendent.

6.3 All City personnel assigned under this Agreement are and will continue to be employees of the City.

ARTICLE 7 RECORDKEEPING AND REPORTING

7.1 The County Registration and Elections Department is the central repository for all departmental records and makes available public records as defined and required by the Georgia Open Records Act, O.C.G.A. § 50-18-70, *et seq.*, O.C.G.A. § 21-2-51 and O.C.G.A. § 21-2-72, now and as they may be amended hereafter. During the term of this Agreement, the County will continue to comply with the applicable provisions of the Georgia Open Records Act and the Georgia Election Code.

ARTICLE 11 NOTICES

All required notices shall be given by certified first class U.S. Mail, return receipt requested. The parties agree to give each other non binding duplicate facsimile notice. Future changes in address shall be effective upon written notice being given by the City to the County Elections Superintendent or by the County to the City Clerk via certified first-class U.S. mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to the County: Fulton County Board of Registration and Elections
 Attn: Director
 130 Peachtree St SW, Suite 2186
 Atlanta, Georgia 30303
 Facsimile: 404.730.7024

With a copy to: Fulton County Office of the County Attorney
 Attn: County Attorney
 141 Pryor Street SW, Suite 4038
 Atlanta, Georgia 30303
 Facsimile: 404.730.6540

If to the City: City Clerk

With a copy to: City Attorney

ARTICLE 12 NON-ASSIGNABILITY

Neither party shall assign any of the obligations or benefits of this Agreement.

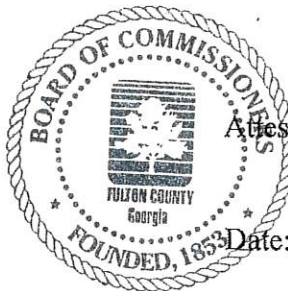
IN WITNESS WHEREOF, the City and County have executed this Agreement through their duly authorized officers on the day and year first above written.

FULTON COUNTY, GEORGIA

APPROVED AS TO SUBSTANCE:

(Seal)

Chair, Board of Commissioners



Attest:

Clerk to Commission

Date:

9/2/2022

ATTEST:

APPROVED AS TO FORM:

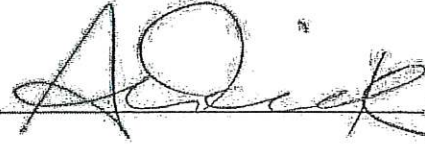
Fulton County Attorney's Office

APPROVED AS TO SUBSTANCE:

Nadine Williams

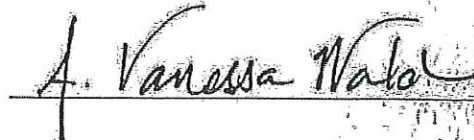
Interim Director, Fulton County Department
of Registration and Elections

CITY OF ATLANTA, GEORGIA

 (SEAL)

Mayor

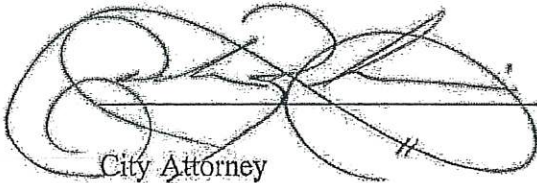
Date: _____



City Clerk

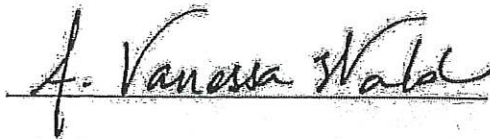
(SEAL) A. Vanessa Waldon
Deputy Municipal Clerk

APPROVED AS TO FORM:



City Attorney

APPROVED AS TO SUBSTANCE:



City Clerk

A. Vanessa Waldon
Deputy Municipal Clerk

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**RESOLUTION ESTABLISHING A POLICY
BETWEEN MUNICIPALITIES AND FULTON COUNTY FOR FUNDING
ELECTIONS, AND FOR OTHER PURPOSES.**

7 **WHEREAS**, the Fulton County Board of Registration and Elections ("Board") is
8 the entity empowered to supervise and conduct elections in Fulton County pursuant to
9 1989 Ga. Laws p. 4577; and

10 **WHEREAS**, O.C.G.A. § 21-2-45(c) authorizes the governing authority of any
11 municipality to contract with the county within which that municipality wholly or partially
12 lies to conduct any or all elections; and

13 **WHEREAS**, O.C.G.A. § 21-2-45(c) empowers a municipality to, by ordinance,
14 authorize a county to conduct such elections; and

15 **WHEREAS**, Fulton County is responsible for conducting multiple elections
16 annually; and

17 **WHEREAS**, an election cost sharing arrangement between Fulton County and its
18 municipalities has been utilized for conducting elections since the passage of
19 Resolution 17-0628 during at the August 2, 2017 meeting of the Board of
20 Commissioners of Fulton County; and

21 **WHEREAS**, the costs associated with conducting general, special and runoff
22 elections are increasing and demand greater commitment and provision of resources;
23 and

24 **WHEREAS**, the Board of Commissioners of Fulton County recognizes the need
25 to fairly apportion the costs of conducting elections to all citizens and voters of Fulton
26 County; and

WHEREAS, the Board of Commissioners of Fulton County desires to assist the

1 because of the State of Georgia's Implementation of a new voting system and
2 anticipated rising costs of elections.

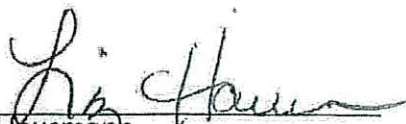
3 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon its
4 adoption, and that all resolutions and parts of resolutions in conflict with this Resolution
5 are hereby repealed to the extent of the conflict.

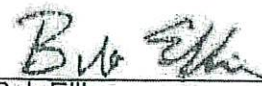
6 **PASSED AND ADOPTED** by the Board of Commissioners of Fulton County,
7 Georgia this 7th day of August, 2019.

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9

SPONSORED BY:

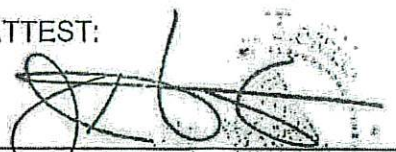
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Liz Hausmann,
Commissioner, District 1



Bob Ellis
Commissioner, District 2

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ATTEST:


Jesse A. Harris
Clerk to the Commission

APPROVED AS TO FORM:


Patrie Perkins-Hooker
County Attorney

P:\CALegislation\BOC\Resolutions\2019 Resolutions\Hausmann\8.7.19 Elections Funding. Hausmann.docx

Superintendent shall thereafter set the date of the election for a day not less than 30 nor more than 60 days after the date of the issuance of the call. The Municipal Clerk/Election Superintendent shall cause the date and purpose of the election to be published in the official organ of the county once a week for two weeks immediately preceding the date thereof.

Section 3: That the ballot submitting the question of the extension of the hours of retail sale of alcoholic beverages between the hours of 11:00 a.m. and 12:00 a.m. Midnight shall have printed the word "YES" and the word "NO" in order that each voter may vote in either the affirmative or the negative as to the question propounded, and shall have written or printed thereon the following:

"() YES Shall the governing authority of the City of Atlanta be authorized to permit and regulate Sunday sales of malt beverages, wine, and distilled spirits by the drink from 11:00 A.M. to 12:00 Midnight () NO and by the package from 11:00 A.M. to 12:00 Midnight?"

Section 4: That the ballot shall have printed the word "YES" and the word "NO" in order that each voter may vote in either the affirmative or the negative as to the question propounded. The polls in each of the precincts within the City shall be opened at 7:00 a.m. and closed 7:00 p.m. on the day fixed for the election, and the election shall be held at the regular and established places for holding elections in the City. The election shall be held in accordance and in conformity with the Constitution and laws of the United States and the State of Georgia.

Section 5: That effective upon the passage of the referendum, Chapter 10, Article II, Division 5, Section 10-209 subsections (a) and (b) of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

Sec. 10-209. - Hours of operation.

(a) Packaged distilled spirits. Retail merchants licensed to sell distilled spirits by the package, shall be allowed to engage in the sale of such distilled spirits between the hours of 8:00 a.m. and 12:00 a.m. midnight ~~11:45 p.m.~~ Monday through Saturday and on Sunday from 11:00 a.m. to 12:00 a.m. midnight ~~12:30 p.m. and 11:30 p.m.~~

(b) Packaged wine or malt beverages. Retail merchants licensed to sell wine or malt beverages by the package, shall be allowed to engage in the sale of such beverages 24 hours a day, Monday through Saturday and on Sunday from 11:00 a.m. to 12:00 a.m. midnight, ~~12:30 p.m. and 11:30 p.m.~~ Notwithstanding this sub-subsection, a licensed farm winery tasting room located within a special entertainment district may sell packaged wine on Sunday from 12:30 p.m. until 12:00 midnight, as permitted by O.C.G.A. § 3-6-21.2.

Section 6: Section 5 of this Ordinance shall have no legal force, or effect, and the City of Atlanta Code of Ordinances shall not be amended as described therein, if not more than one-half of the votes cast on



CITY COUNCIL
ATLANTA, GEORGIA

22-O-1205

AN ORDINANCE BY COUNCILMEMBER ALEX WAN AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SALE OF PACKAGED ALCOHOLIC BEVERAGES ON SUNDAYS FROM 11:00 A.M UNTIL 12:00 A.M (MIDNIGHT) AT CERTAIN LICENSED RETAIL ESTABLISHMENTS, SUBJECT TO REFERENDUM APPROVAL; TO REGULATE AND PROVIDE FOR THE CALLING OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION THEREON; AND FOR OTHER PURPOSES.

Workflow List:

Atlanta City Council	Completed	03/07/2022 1:00 PM
Public Safety & Legal Administration Committee	Completed	03/14/2022 2:00 PM
Atlanta City Council	Completed	03/21/2022 1:00 PM
Public Safety & Legal Administration Committee	Completed	03/28/2022 2:00 PM
Atlanta City Council	Completed	04/18/2022 1:00 PM
Public Safety & Legal Administration Committee	Completed	04/25/2022 2:00 PM
Atlanta City Council	Completed	05/02/2022 1:00 PM
Public Safety & Legal Administration Committee	Completed	05/09/2022 2:00 PM
Atlanta City Council	Completed	05/16/2022 1:00 PM

HISTORY:

03/07/22 Atlanta City Council REFERRED WITHOUT OBJECTION

RESULT:	REFERRED WITHOUT OBJECTION	Next: 3/14/2022 2:00 PM
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03/14/22 Public Safety & Legal Administration CommitteeHELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE [UNANIMOUS]	Next: 3/21/2022 1:00 PM
MOVER:	Dustin Hillis, Chair, District 9	
SECONDER:	Michael Julian Bond, Post 1 At-Large	
AYES:	Hillis, Bond, Boone, Norwood, Overstreet, Waites	
ABSENT:	Byron D Amos	

03/21/22 Atlanta City Council RETURNED AS HELD

RESULT:	RETURNED AS HELD	Next: 3/28/2022 2:00 PM
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03/28/22 Public Safety & Legal Administration CommitteeHELD IN COMMITTEE

RESULT:	HELD IN COMMITTEE	Next: 4/18/2022 1:00 PM
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04/18/22 Atlanta City Council RETURNED AS HELD

MAYOR'S ACTION AUTHENTICATION PAGE



22-O-1205

**Adopted by the Atlanta City Council
May 16, 2022**

APPROVED

MAY 25 2022

**WITHOUT SIGNATURE
BY OPERATION OF LAW**

MAYOR'S ACTION



**CITY COUNCIL
ATLANTA, GEORGIA**

22-O-1205

AN ORDINANCE BY COUNCILMEMBER ALEX WAN AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AUTHORIZING THE SALE OF PACKAGED ALCOHOLIC BEVERAGES ON SUNDAYS FROM 11:00 A.M UNTIL 12:00 A.M (MIDNIGHT) AT CERTAIN LICENSED RETAIL ESTABLISHMENTS, SUBJECT TO REFERENDUM APPROVAL; TO REGULATE AND PROVIDE FOR THE CALLING OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION THEREON; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare of the citizens of the City of Atlanta and its visitors; and

WHEREAS, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages for the public health, safety and welfare; and

WHEREAS, currently, retail merchants licensed to sell distilled spirits by the package, and licensed to sell wine or malt beverages by the package are only allowed to engage in the sale of such packaged alcoholic beverages Sunday from 12:30 p.m. and 11:30 p.m.; and

WHEREAS, during its 2020 session, the Georgia General Assembly passed House Bill (HB) 879 which relates to alcoholic beverages so as to provide that governing authorities of counties and municipalities may authorize sale of packaged alcoholic beverages during certain times on Sundays subject to the passage of a referendum; and

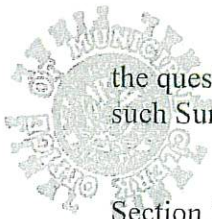
WHEREAS, specifically, HB 879 allows the City of Atlanta to authorize the sale of distilled spirits and wine and/or malt beverages by licensed retail merchants, on Sundays between the hours of 11:00 a.m. and 12:00 a.m. midnight; and

WHEREAS, it is the desire of the Atlanta City Council to amend the City of Atlanta Code of Ordinances to authorize such extended Sunday alcohol sales subject to and effective only upon the passage of a referendum authorizing such.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:

Section 1: That there shall be called and there is hereby called a special election to be held in all precincts in the City, on the 8th of November 2022, for submitting to the voters of the City of Atlanta the question of authorizing Sunday sales of alcoholic beverages by licensed retail merchants on Sundays between the hours of 11:00 a.m. and 12:00 a.m. Midnight.

Section 2: That the Municipal Clerk/Election Superintendent shall "call" said referendum by publishing notice of the referendum in a newspaper of appropriate general circulation no less than ten (10) nor more than sixty (60) days after the date of approval of this Ordinance. The Municipal Clerk/Election



the question put to the voters pursuant to the referendum authorized by this ordinance are for approval of such Sunday hours.

Section 7: All ordinances or parts thereof in conflict with this ordinance are hereby waived to the extent of the conflict.

Section 8: That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 10, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

A true copy,

A handwritten signature in black ink that reads "A. Vanessa Waldon".

A. Vanessa Waldon
Deputy Clerk

**ADOPTED by the Atlanta City Council
APPROVED per City Charter Section 2-403**

**MAY 16, 2022
MAY 25, 2022**

RESULT: **RETURNED AS HELD** **Next: 4/25/2022 2:00 PM**

04/25/22 Public Safety & Legal Administration Committee HELD IN COMMITTEE

RESULT: **HELD IN COMMITTEE** **Next: 5/2/2022 1:00 PM**

05/02/22 Atlanta City Council RETURNED AS HELD

RESULT: **RETURNED AS HELD** **Next: 5/9/2022 2:00 PM**

05/09/22 Public Safety & Legal Administration Committee FAVORABLE ON
SUBSTITUTE

RESULT: **FAVORABLE ON SUBSTITUTE [UNANIMOUS]** **Next: 5/16/2022 1:00 PM**

MOVER: Dustin Hillis, Chair, District 9

SECONDER: Mary Norwood, District 8

AYES: Hillis, Amos, Bond, Boone, Norwood, Overstreet, Waites

RESULT: **ADOPTED ON SUBSTITUTE BY CONSENT VOTE [13 TO 0]**

MOVER: Alex Wan, Councilmember, District 6

SECONDER: Howard Shook, Councilmember, District 7

AYES: Bond, Westmoreland, Waites, Winston, Farokhi, Dozier, Wan, Shook, Norwood,
Hillis, Boone, Overstreet, Lewis

AWAY: Byron D Amos, Liliana Bakhtiari

Certified by Presiding Officer

CERTIFIED

5/16/2022

ATLANTA CITY COUNCIL PRESIDENT

Doug Shook

Certified by Clerk

CERTIFIED

5/16/2022

MUNICIPAL CLERK

[Signature]

Mayor's Action

See Authentication Page Attachment

ADOPTED BY COUNCIL

05/16/2022



Fulton County

Legislation Details

File #:	22-0531	Version:	1	Name:	
Type:	CM Action Item - Open & Responsible Government		Status:	Passed	
File created:	7/12/2022		In control:	Board of Commissioners	
On agenda:	8/17/2022		Final action:	8/3/2022	
Title:	Request approval of an Intergovernmental Agreement to conduct Special Elections for the City of Atlanta in conjunction with the General Election on November 8, 2022 and Runoff Election on December 6, 2022. (APPROVED)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. Exhibit 1: Intergovernmental Agreement Fulton County and City of Atlanta, 2. Exhibit 2: Resolution Establishing a Policy between Municipalities, 3. Exhibit 3 City of Atlanta Ordinance				
Date	Ver.	Action By	Action	Result	
8/3/2022	1	Board of Commissioners	approve	Pass	