



**CITY COUNCIL
ATLANTA, GEORGIA**

22-O-1632

AN ORDINANCE BY COUNCILMEMBER MICHAEL JULIAN BOND AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AS AMENDED BY ATLANTA CITY COUNCIL TO AUTHORIZE THE MAYOR OR HIS DESIGNEE, ON BEHALF OF THE CITY OF ATLANTA, GEORGIA (“CITY”) TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT (“IGA”) WITH THE FULTON COUNTY SHERIFF (“SHERIFF”), AND FULTON COUNTY, GEORGIA (“COUNTY”), FOR THE TEMPORARY HOUSING OF ADULT FULTON COUNTY DETAINEES AT ATLANTA CITY DETENTION CENTER (“ACDC”) IN THE CUSTODY OF FULTON COUNTY WHICH HAVE BEEN CHARGED WITH OR CONVICTED OF VIOLATING FEDERAL, STATE, OR LOCAL LAW OR HELD AS A MATERIAL WITNESS, ON AN AS NEEDED BASIS, WHERE THE NUMBER OF FULTON COUNTY DETAINEES SO HOUSED IN ACDC AT ONE TIME SHALL NEVER EXCEED SEVEN HUNDRED (700) DETAINEES, FOR A TERM OF A PERIOD NOT TO EXCEED FOUR (4) YEARS WITH NO RENEWAL TERM OPTIONS, WITH SUCH AN AGREEMENT TO BE REVENUE GENERATING; ALL SUCH REVENUES TO BE DEPOSITED INTO THE ACCOUNTS LISTED HEREIN; AND FOR OTHER PURPOSES

WHEREAS, the City and County are governmental units located within the State of Georgia authorized by law to enter into intergovernmental agreements pursuant to Article 9, Section 3, Paragraph 1 of the Georgia Constitution; and

WHEREAS, the City, Sheriff and County share common interests in forming a law enforcement partnership to successfully address issues involving the care and custody of detainees; and

WHEREAS, the City owns the Atlanta City Detention Center (“ACDC”), a 17-story tall, 471,000 square foot adult detention center at 254 Peachtree St SW, Atlanta; and

WHEREAS, the Sheriff has expressed a need for the utilization of ACDC for the temporary housing of adult detainees in the custody of Fulton County which have been charged with or convicted of violating federal, state, or local law or held as a material witness, and has made a corresponding request to the City; and

WHEREAS, the City is willing to make ACDC available to the County and the Sheriff for temporary housing of such detainees in the custody of Fulton county on an as the need arises due to overcrowding at the Fulton County Jail Facility, where the number of Fulton county detainees so housed in ACDC at one time shall never exceed seven hundred (700) detainees; and

WHEREAS, it is the desire of the Atlanta City Council to authorize the Mayor or his designee to execute an Intergovernmental Agreement with the Sheriff and the County pursuant to which the City would permit the temporary housing of adult detainees in the custody of Fulton County which have been charged with or convicted of violating federal, state, or local law or held as a material witness, on an as needed basis, where the number of Fulton county detainees so housed in ACDC at one time shall never exceed seven hundred (700) detainees; and



WHEREAS, the term of this Intergovernmental Agreement shall be for a period not to exceed four (4) years with no renewal options; and

WHEREAS, it is the desire of the Atlanta City Council that the IGA shall include language which provides that if the Sheriff fails to relocate the Fulton County detainees at ACDC by the conclusion of the four (4)-year term of this Agreement, the City shall be entitled to \$150 per detainee, per detained day, until all detainees are transferred; and

WHEREAS, if the Sheriff fails to relocate the Fulton County detainees at ACDC by the conclusion of the four (4)-year term of this Agreement, the City shall be required to transfer an amount equal to the incremental increase in the daily per diem from its General Fund or Fund Balance, as set during the adoption of the FY2027 budget to be deposited into a new segregated trust fund account that is reserved solely for reinvestment into a community resource center that includes a Diversion and Crisis Center, Mental Health services, and Drug and Alcohol treatment services and/or reinvestment into transitional housing and services for primarily unsheltered individuals; and

WHEREAS, this transfer shall be proceeded by the legislative actions prior to the adoption of the FY2027 budget, required to identify the specific account from which these funds shall be transferred and to create the trust fund account; and

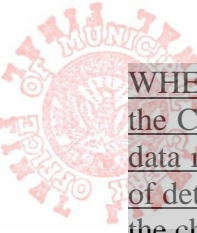
WHEREAS, pursuant to this Intergovernmental Agreement, the City shall house the Fulton County detainees at a per diem rate of \$50 per detainee per day and the City shall be entitled to Sixty-Five percent (65%) of the phone and commissary fees generated at ACDC from the housing of the Fulton County detainees; and

WHEREAS, all funds shall be deposited into the accounts listed herein; and

WHEREAS, on December 7, 2021, the City of Atlanta and Fulton County entered into an Intergovernmental Agreement -- authorized by 21-R-4118 -- creating a Justice Policy Board to govern the newly created Center for Diversion and Services, and to expand and strengthen Atlanta's continuum of resources to provide alternatives to arrest and incarceration; and

WHEREAS, the Justice Policy Board is co-chaired by Fulton County Superior Court Judge Robert McBurney and Atlanta City Councilmember Dustin Hillis and has representation from relevant governmental and partner organizations including the City of Atlanta Mayor's Office, Fulton County Board of Commissioners, Atlanta Police Department, Fulton County Solicitor General, County and State Departments of Behavioral Health & Developmental Disabilities, Grady Memorial Hospital, Partners for HOME, PAD, Inc., Georgia Justice Project, and others; and

WHEREAS, to increase awareness concerning the relative populations of persons detained in the custody of Fulton County and the City of Atlanta, in order to inform policy decisions related thereto, it is the desire of the Atlanta City Council to request that the Justice Policy Board conduct a jail population review of the jail populations of the City of Atlanta and Fulton County; and



WHEREAS, such a jail population review would include a statistical analysis of the jail populations of the City of Atlanta and Fulton County which would include but would not be limited to an analysis of data related to the total populations, the offenses which detainees are booked under, the average length of detention, the average bond issued per violation, the reasons for detainee release, and the frequency of the charging of each offense; and

WHEREAS, similar jail population reviews have been used to address jail overcrowding in Tucson/Pima County, Arizona; Houston/Harris County, Texas; Philadelphia and Pittsburgh/Allegheny County, Pennsylvania; New Orleans, Louisiana; Palm Beach County, Florida; Toledo/Lucas County, Ohio; St. Louis/St. Louis County, Missouri; and Alachua County, Florida, among others; and

WHEREAS, the City Council requests that the Justice Policy Board convene to establish a Jail Population Review Committee -- composed of members of the Justice Policy Board -- that will, using established best practices, conduct a jail population review as described herein; and

WHEREAS, the City Council requests that the charge of the Jail Population Review Committee will be to produce a report on the jail population review within 180 days from inception of the Committee, and to report its findings at or before the February 27, 2023, meeting of the Council's Public Safety and Legal Administration Committee.

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

SECTION 1: That the Mayor, or his designee, is authorized, on behalf of the City of Atlanta, to enter into an Intergovernmental Agreement ("IGA"), with the Fulton County Sheriff ("Sheriff"), and Fulton County, Georgia ("County"), for the temporary housing of adult Fulton County detainees at Atlanta City Detention Center ("ACDC") in the custody of Fulton County which have been charged with or convicted of violating federal, state, or local law or held as a material witness, on an as needed basis, where the number of Fulton county detainees so housed in ACDC at one time shall never exceed seven hundred (700) detainees.

SECTION 2: The term of the IGA shall be for a period not to exceed four (4) years with no renewal options. In advance of the conclusion of this term, the City will strategically plan for the safe and timely transfer of temporary detainees out of ACDC. A detailed update on the staged withdrawal will be provided to the Public Safety and Legal Administration Committee 270 days, 180 days, and 90 days before the conclusion of the term.

In the event that the City shall exercise its right to terminate the IGA in accordance with the language therein, in no event shall the Fulton County detainees be permitted to remain in the ACDC facility for a period to exceed 180 days from the date of termination.

SECTION 3: Pursuant to the IGA, the City shall house the Fulton County detainees at a per diem rate of \$50 per detainee per day and the City shall be entitled to Sixty-Five percent (65%) of the phone and commissary fees generated at ACDC from the housing of the Fulton County detainees.

SECTION 4: All funds to be deposited into the Fund Department Organization, Account Numbers, and Function Activity Code Numbers listed herein: Revenue:

1001 (GENERAL FUND) 090101 (Commissioner of Corrections) 3890005 (Telephone Usage) 1320000 (Chief Executive)

1001 (GENERAL FUND) 090101 (Commissioner of Corrections) 3810012 (Fulton Inmate Lease/Rent) 1320000 (Chief Executive)

7701 (TRUST FUND) 090201 (CORRECTIONS) 3423001 (COMMISSARY) 3420000 (Adult Corrections) 600270 (Project-Inmate Deposits) 69999 (Funding Source)

Expenditures:

1001 (GENERAL FUND) 090101 (Commissioner Corrections) 5710001 (Payment to other Governments) 1320000 (Chief Executive)

7701 (TRUST FUND) 090201 (CORRECTIONS) 5710001 (Payments to Other Governments) 3420000 (Adult Corrections) 600270 (Project-Inmate Deposits) 69999 (Funding Source)

SECTION 5: That the Chief Financial Officer, or his designee, is authorized to direct additional funding to the appropriate revenue and expenditure accounts.

SECTION 6: Add to Anticipations (\$5,000,000.00)

Fund	Department	Account	Function Activity	Amount
1001	O9O1O1	3810008	1320000	\$5,000,000.00
General Fund	Commissioner of Corrections	Building Rentals, General	Chief Executive	

Add to Appropriations (\$5,000,000.00)

Fund Department Account

Function



Activity	Amount
1001	O9O1O1 5212001 1320000 \$1,500,000.00
Consulting	

General Fund

Commissioner of Corrections

Professional

Services

Chief

Executive

Fund	Department	Account
Function		
Activity	Amount	
1001	200101	5212001 1512000 \$3,500,000.00

General Fund

Ndp Reservation Of Fund Appropriations

Consulting

Professional

Services Accounting

SECTION 7: The IGA shall include language which provides that if the Sheriff fails to relocate the Fulton County detainees at ACDC by the conclusion of the four (4)-year term of this Agreement, the City shall be entitled to \$150 per detainee, per detained day, until all detainees are transferred.

SECTION 8: If the Sheriff fails to relocate the Fulton County detainees at ACDC by the conclusion of the four (4)-year term of this Agreement, the City shall be required to transfer an amount equal to the incremental increase in the daily per diem from its General Fund or Fund Balance, as set during the adoption of the FY2027 budget to be deposited into a new segregated trust fund account that is reserved solely for reinvestment into a community resource center that includes a Diversion and Crisis Center, Mental Health services, and Drug and Alcohol treatment services and/or reinvestment into transitional housing and services for primarily unsheltered individuals. This transfer shall be proceeded by the legislative actions prior to the adoption of the FY2027 budget, required to identify the specific account from which these funds shall be transferred and to create the trust fund account.

SECTION 9: The City Attorney is directed to prepare all appropriate documents necessary for the implementation of this Ordinance for execution by the Mayor, or his designee.

SECTION 10: That the IGA will not become binding on the City, and the City will incur no obligation or liability under the same until it has been approved as to form by the City Attorney or her designee, executed by the Mayor or his designee, attested to by the Municipal Clerk, and delivered to Fulton County and the Sheriff.

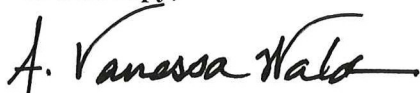
SECTION 11: That the Department of Corrections is requested to provide a monthly written report on the operation and implementation of the IGA, and to include an update concerning the operation and implementation of the IGA in its quarterly report to the Public Safety and Legal Administration Committee.

SECTION 12: That all Ordinance or parts of Ordinances in conflict herewith are hereby waived for purposes of this ordinance only, and only to the extent of the conflict.

SECTION 13: That this Ordinance shall be effective immediately upon approval; except that the IGA shall not be effective until the date that the Atlanta City Council shall be in receipt of a jail population review report which shall be prepared to increase awareness concerning the relative populations of persons detained in the custody of Fulton County and the City of Atlanta. The report shall detail a review to be conducted which shall include a statistical analysis of the jail populations of the City of Atlanta and Fulton County which would include but would not be limited to an analysis of data related to the total populations, the offenses which detainees are booked under, the average length of detention, the average bond issued per violation, the reasons for detainee release, and the frequency of the charging of each offense.

The Atlanta City Council hereby requests that the Justice Policy Board, established in an IGA between the City of Atlanta and Fulton County which was authorized by 21-R-4118, convene to establish a Jail Population Review Committee -- composed of members of the Justice Policy Board -- that will, using established best practices, conduct the jail population review as described herein and to deliver the report on the review by no later than 90 days from the approval of this Ordinance.

A true copy,


A. Vanessa Waldon
Deputy Municipal Clerk

ADOPTED as amended by the Atlanta City Council
APPROVED by Mayor Andre Dickens

AUG 15, 2022
AUG 17, 2022



**CITY COUNCIL
ATLANTA, GEORGIA**

22-O-1632

SPONSOR SIGNATURES

Michael Julian Bond, Councilmember, Post 1 At Large



**CITY COUNCIL
ATLANTA, GEORGIA**

22-O-1632

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Workflow List:

Atlanta City Council	Completed	08/01/2022 1:00 PM
Public Safety & Legal Administration Committee	Completed	08/08/2022 1:00 PM
Atlanta City Council	Completed	08/15/2022 1:00 PM
Finance	Completed	08/16/2022 11:03 AM
Office of Research and Policy Analysis	Pending	
Procurement	Pending	
Dana Greer	Pending	
Mayor's Office	Pending	
Atlanta Information Management (AIM)	Pending	

HISTORY:

08/01/22 Atlanta City Council REFERRED WITHOUT OBJECTION

**REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE
WITHOUT OBJECTION**

RESULT:	REFERRED WITHOUT OBJECTION	Next: 8/8/2022 1:00 PM
08/08/22	Public Safety & Legal Administration Committee	FAVORABLE ON SUBSTITUTE
RESULT:	FAVORABLE ON SUBSTITUTE [5 TO 1]	Next: 8/15/2022 1:00 PM
MOVER:	Michael Julian Bond, Post 1 At-Large	
SECONDER:	Mary Norwood, District 8	
AYES:	Hillis, Amos, Bond, Boone, Norwood	
NAYS:	Keisha Sean Waites	
ABSENT:	Marci Collier Overstreet	



RESULT:	ADOPTED SUBSTITUTE AS AMENDED [10 TO 4]
AYES:	Bond, Westmoreland, Winston, Farokhi, Wan, Shook, Norwood, Hillis, Boone, Overstreet
NAYS:	Keisha Sean Waites, Jason Dozier, Liliana Bakhtiari, Antonio Lewis
ABSENT:	Byron D Amos

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VOTE RECORD - ORDINANCE 22-O-1632						
<input type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED ON SUBSTITUTE <input checked="" type="radio"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	MICHAEL JULIAN BOND	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MATT WESTMORELAND	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	KEISHA SEAN WAITES	VOTER	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JASON H WINSTON	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMIR R FAROKHI	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	BYRON D AMOS	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="radio"/>
	JASON DOZIER	VOTER	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>
	LILIANA BAKHTIARI	VOTER	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ALEX WAN	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARY NORWOOD	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DUSTIN HILLIS	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L. BOONE	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARCI COLLIER OVERSTREET	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANTONIO LEWIS	VOTER	<input type="checkbox"/>	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND <input type="checkbox"/> FAVORABLE AS AMENDED <input type="checkbox"/> RETURNED AS HELD <input type="checkbox"/> FAVORABLE ON CONDITION <input type="checkbox"/> FAVORABLE/SUB/CONDITION <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> ROUTED TO COW <input type="checkbox"/> SUSTAINED <input type="checkbox"/> OVERRIDDEN <input type="checkbox"/> NOT ACCEPTED BY COMMITTEE <input type="checkbox"/> SUSTAINED W/O OBJECTION <input type="checkbox"/> TABLED W/O OBJECTION <input type="checkbox"/> HELD IN COW <input type="checkbox"/> POSTPONED <input type="checkbox"/> RETAINED AS HELD <input type="checkbox"/> REFER TO ZRB AND ZC W/O OBJECTION <input type="checkbox"/> AUTOMATICALLY TERMINATED (FILED)	
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[10 to 4]

Certified by Presiding Officer	Certified by Clerk
<p>CERTIFIED</p> <p>8/15/2022</p> <p>ATLANTA CITY COUNCIL PRESIDENT</p> 	<p>CERTIFIED</p> <p>8/15/2022</p> <p>MUNICIPAL CLERK</p> 
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

ADOPTED BY COUNCIL

08/15/2022



22-O-1632

**Adopted by the Atlanta City Council
August 15, 2022**

APPROVED
AUG 17 2022
[Signature]
MAYOR

MAYOR'S ACTION