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November 15, 2005

Mayor Shirley Franklin
City Hall, Suite 2400
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Dear Mayor Franklin:

Thank you for your letter of November 2, 2005, and for meeting with me on October 10.

I appreciate your "willing[ness] to cooperate with the County in addressing these difficult problems." I also understand the reasons why you "as the Mayor of Atlanta, cannot agree to change [the City's] plans" to demolish the Municipal Court Building to make way for the construction of a new public safety building, based solely on the recommendation of a citizens commission appointed by Fulton County, and agree that it would "be bad policy on [your] part to cast aside all the planning we have done to address critical needs of the City" when the Fulton County Commission has not contacted you directly about acquiring the Municipal Court Building and the Atlanta Detention Center. If I were in your position, I would have said the same thing.

The purpose of my letter of August 12, 2005, to the members of the Fulton County Commission was to urge them to contact you and find out whether it would be possible for Fulton County to buy or lease the abandoned Municipal Court Building and the Atlanta Detention Center from the City on terms that would be both fair and mutually beneficial to both the City and the County.

Although it has taken far more time to get the Fulton County Commission to address this pressing issue than I had hoped or expected, I now believe that the Fulton County Commission is seriously interested in acquiring both the Municipal Court Building and the Atlanta Detention Center from the City. Subsequent to my meeting with you on October 10, Commissioner Robb Pitts has introduced a resolution authorizing the County initiate active negotiations to acquire both the Municipal Court Building and the Atlanta Detention Center for the City. The proposal has the full support of the Judges of both the Fulton Superior Court and the Fulton State Court,

and of Sheriff Myron Freeman. Judge Downs, Sheriff Freeman and I are all scheduled to make a joint appearance before the Fulton County Commission at 10:00 a.m. on Wednesday, November 16 to urge the adoption of that resolution in the strongest terms possible.

I fully recognize that the *legal* responsibility for the operation of the Fulton County court system – including the Fulton Superior Court, the Fulton State Court, the Fulton County Sheriff's Department, and the Fulton County Jail – is not a City obligation, but is a County responsibility under the Georgia Constitution and, therefore, rests squarely on the shoulders of the Fulton County Commission. The fact remains, however, that citizens of the City of Atlanta (of which I am one) are directly impacted by, and have at least as much interest in seeing that the overcrowding and security problems at the Fulton County Jail and Fulton County Courthouse are solved, as do the other residents of Fulton County who reside outside the City. Citizens and taxpayers of Fulton County who reside in the City of Atlanta will ultimately have to pay 40.7% of the cost of whatever Fulton County has to spend to correct the overcrowding and security problems that exist at both the Fulton County Jail and the Fulton County Courthouse. It is in the interest of City residents that the City of Atlanta government cooperate with the County government in finding a speedy, efficient and cost effective solution to this problem. The choices confronting Fulton County could not be clearer. Fulton County is under a federal court order to relieve the overcrowding at the Rice Street jail, which is far too small for a community of the size of Fulton County, obsolete (having been built in 1987), badly in need of repair and rehabilitation, and in the wrong location (4 miles from the courthouse). The County has two choices: (1) it can buy or lease the Atlanta Detention Center (which has a 1,314 bed capacity), which is well located adjacent to the Municipal Court Building with five perfectly useable, but empty, courtrooms, and is connected to the Atlanta Detention Center by a secure tunnel, or (2) the County will have to spend approximately between $150 million and $200 million to build a new jail that will replicate the Atlanta Detention Center, **and** spend another $50 million to rehabilitate the Rice Street jail.

Finally, I also want to make several points perfectly clear. First, no one has suggested that "the City absorb financial responsibility for Fulton County State Court or correction costs again or take on responsibility for activities other than normal municipal corrections, jail, or court operations." The Blue Ribbon Commission has proposed that instead of building a new jail, that Fulton County should either **buy** or **lease** the Municipal Court Building and the Atlanta Detention Center from the City on terms that would be **fair** to both the City and the County and their respective citizens and taxpayers.

Second, the sale or lease by the City to the County of the abandoned Municipal Court Building and the Atlanta Detention Center would benefit both governments from a purely economic standpoint.

The Municipal Court Building has been closed for several years and the City has no further use for it. Moreover, the land on which the Municipal Court Building is located has negative value to the City – that is, the City must incur the cost (and delay) of demolishing the building in order to use the land for another purpose. The Municipal Court Building does, however, have positive value to the County because it contains 5 unused courtrooms that are desperately needed by the County and is connected to the Atlanta Detention Center by a secure tunnel. Likewise, the Atlanta Detention Center has a capacity of 1,314 beds, and is almost three times larger than is needed by the City of Atlanta to house city prisoners. The Fulton County Jail on Rice Street was opened in 1987 and was originally built to house a maximum of 1,400 prisoners; as of last week, there were over 2,850 prisoners crammed into the Rice Street jail, in direct violation of a federal court order limiting its capacity to 2,250 prisoners. The Rice Street jail is also in the wrong location. It is located more than 4 miles from the nearest courthouse which means that hundreds of prisoners must be bused on a daily basis back and forth from Rice Street to the Fulton County Courthouse. It is also in poor repair and is in desperate need of rehabilitation. Thus, it is obvious that Fulton County needs almost twice as much jail capacity as it presently has, while the City has 3 times more jail capacity than the City needs. Thus, all of the ingredients for a mutually beneficial deal between the City and the County are present.

Third, nothing in these proposals would require a cancellation, renegotiation or delay in the closing of the sale by the City of City Hall East, nor would it result in a material delay in the construction by the City of a new public safety building. There is no logistical or administrative reason that the public safety building must be located on the land now occupied by the Municipal Court Building. It is my understanding that the City already has studied other possible alternative sites that could be used for the construction of the public safety building if the Municipal Court Building were sold or leased by the City to the County. It is also my belief that the City finally selected the Municipal Court Building as the site for the new public safety building primarily because the City already owned the land, and over the objections of Chief Pennington, who favored one of the other sites that offered more parking for police vehicles than would be available at the Municipal Court site. Delay should not be a factor before construction of a new public safety building or Municipal Court site can even begin. Demolition of the Municipal Court Building will cost the City $1 million or more and must be completed before construction of a new building on that site can begin. If the County were willing to buy the Municipal Court property from the City at a price which reflected the fair market value of the land without the building (much less an enhanced price reflected by the appreciated value of building itself to the County), the City would save the cost of demolition. In fact, the County should be willing to pay the City an additional amount to reflect the depreciated value of the Municipal Court Building. The City would be ahead of the game and could use this money derived from the sale of the land and the building to the County to buy another site for its public safety building without disrupting the scheduled sale of City Hall East.

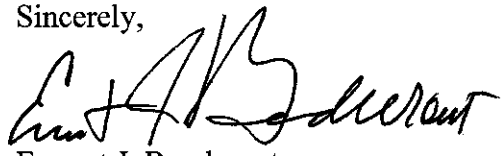
Finally, the personnel issues associated with the Atlanta Detention Center can easily be resolved in one of several ways. Chief Pocock, and his very able staff could become County employees. Alternatively, Chief Pocock and his staff could remain as City employees and the City and the County could equitably apportion their salaries based on the number of City prisoners versus County prisoners who would continue to be housed at the Atlanta Detention Center or the Fulton County Jail. All of these financial issues can be resolved by reasonable people.

In summary, the proposal that the City sell or lease the Atlanta Detention Center and the Municipal Court Building to the County is in the best interest of both the City and County governments and their respective citizens and taxpayers. In common parlance, it is "a no brainer!" I agree with you, however, that since the legal responsibility for the Court and the jail rests with the County, and it is up to the County Commission to make the first move by contacting you immediately and opening serious negotiations before the City's plans for the demolition of the Municipal Court property reach the point of no return. The Fulton County Commission should not allow this opportunity to pass, but if it does, the County will have only itself to blame and will have to explain its failure to act both to Judge Shoob and to its citizens and taxpayers.

Let me close again by thanking you for meeting with me and for your willingness to cooperate with the County in solving what is clearly a shared community problem.

With best regards.

Sincerely,



Emmet J. Bondurant

EJB:cam

cc: Members of the Fulton County Board of Commissioners
Ms. Suzanne Alliegro
Members of the Blue Ribbon Commission