CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30335-0300
TEL (404) 330-6100

February 28, 2006

Emmet Bondurant
Bondurant, Mixson & Elmore, LLP
3900 One Atlantic Center
1201 West Peachtree Street, N.W.
Atlanta, Georgia 30309-3417

Re: Municipal Court Building and City Detention Center

Dear Emmet:

I appreciate your interest in facilitating a resolution between the City and Fulton County regarding the Municipal Court building and the City Detention Center. We too are committed to reaching a result that is in the best interests of both governments. To that end, we have had several conversations with the County, including a meeting between the Chair of the County Commission and me. It is important to understand that your proposal does not address the core complexities associated with the City's or the County's needs. In the case of the Municipal Court building, we are involved in a complex set of transactions that makes what may appear to be a simple transaction a very complicated one. Also, the City's use of the jail and its relationship with the U.S. Marshal's service preclude providing a large number of beds to Fulton County. I am writing to you today to reiterate what has been said in previous letters to you and the Fulton County Commission. The City remains committed to assisting the County in any reasonable way. However, that assistance cannot include creating major disadvantages for the City and putting our own public safety and criminal justice system in jeopardy.

As I discussed in my November 2, 2005 letter to you, the City has been planning how to address its very serious needs regarding adequate space for our public safety agencies for more than two years. After much study, we concluded that we must move our public safety agencies to more appropriate facilities than City Hall East. To this end, we have developed plans for the reuse and redevelopment of City Hall East, and the City is now under contract to sell the facility to Ponce Park, LLC. This contract requires the City to vacate City Hall East within 30 months. To accomplish this, we must complete the new public safety headquarters we are planning within 24 to 26 months, to allow for

adequate time to move the public safety agencies with no disruption in service. Completing the construction of this facility in this time frame requires that we begin site preparation no later than May 2006. Whether we build on the site of the old Municipal Court building or on a similarly feasible site, our site preparation must meet this timeframe; otherwise we risk incurring liquidated damages and other liability, should we miss the deadline for vacating City Hall East.

The City and Fulton County have been in substantive communication on this issue for some time now. On December 30, 2005, the County made an offer to the City to purchase the old Municipal Court building and acquire use of 800 beds in the City Detention Center. The terms of the offer were reviewed by the City, and we spent a great deal of time considering the implications. Due to the parallel activities of the City, which have resulted in a contract for sale of City Hall East that is inextricably tied to our proposed Public Safety Headquarters, the terms as presented were not acceptable. However, we understand the urgency of the County's situation. On January 18, 2006, we proposed a counter-offer to the County that met our core needs: (1) acquiring property that the City will need to locate its planned headquarters, and (2) anticipating potential damages that he City might incur for its failure to vacate City Hall East in the timeframe we are now contractually obligated to execute. We also indicated that bed availability in the Detention Center was tied to the U.S. Marshal's needs and their willingness to terminate their agreement with the City.

Fulton County considered our counter-offer regarding the Municipal Court, and in a letter dated January 25, 2006, the County indicated an interest in continuing negotiations on the purchase of the Municipal Court building. To date, we have not reached resolution on this matter, as Fulton County has not provided a firm response to our financial conditions.

The second component of Fulton County's offer to the City sought bedspace for use by the County. Given the County's continued interest in more bedspace than we currently have available, we met with the United States Marshal Service to ascertain their willingness to terminate their contract with the City. At that meeting, the USMS made it clear that they were not in a position to terminate the existing contractual rights to those beds and said, in fact, that they anticipated an increased need for beds in the future.

Based on these conversations with the USMS and analysis of our current usage, we now have a better understanding of what we can offer:

- The City jail has a total capacity of approximately 1300, but due to restrictions of pod design (male/female, medical, etc.), the realistic number is around 1200.

- We have obligated 350 beds to the USMS and 150 to Immigration (ICE). On any given day, they may use less than that; but, by contract, we have to maintain 500

beds in capacity for their use. USMS has repeatedly indicated an unwillingness to relinquish their contracted space.

- The City's use is divided into two pieces – sentenced prisoners and pre-trial detainees. Our 2005 peak numbers in those categories were 243 and 327, respectively. We obviously must maintain capacity to handle peak volumes with some margin for error, or we risk a situation like the one faced by Fulton County. I simply will not recommend any decision that jeopardizes the health and safety of the staff or inmates.

- By adding up the numbers (500 fed beds, 570 COA prisoners), the result is 1070 beds needed to adequately respond to existing City obligations. We have offered Fulton 150 beds, and I feel strongly that given our current obligations, that offer is generous and responsible.

Subsequent to my meeting with Chair Handel, we have re-confirmed the USMS's position, and it remains unchanged.

Our own reform efforts related to public safety, of which the new public safety headquarters is an integral part, have been underway for four years. We cannot justify jeopardizing these important initiatives. I hope this letter makes clear both the City's commitment to continuing a strong partnership with the County and that we have taken every step to reach a mutually beneficial resolution.

Sincerely,

Shirley Franklin

SF/ld/zg
cc: Lynnette Young
Linda DiSantis
David Edwards
Tom Pocock