



Rusty Paul, Chair
Andy Bauman
Tibby DeJulio
Melody Kelley
Melissa Mular
John Paulson
Jody Reichel

6:00 PM

Live-stream: **Public Meeting Portal (CivicClerk):** <https://sandyspringsga.civicclerk.com>
YouTube Live: www.youtube.com/@CityOfSandySprings

1.	CALL TO ORDER - Chairperson Rusty Paul	
2.	ROLL CALL - Secretary	
3.	APPROVAL OF MEETING AGENDA	
4.	PFA2023-001	Approval of the November 15, 2022 Public Facilities Authority Meeting Minutes <i>(Presented by Raquel D. González, Secretary)</i>

5.	PFA2023-002	Request for Public Facilities Authority Consideration of the Appointment of Toni Carlisle as Treasurer of the Public Facilities Authority <i>(Presented by Eden Freeman, City Manager)</i>
6.	PFA2023-003	Request for Public Facilities Authority Consideration to Approve the Atlantic Specialty Co. Settlement Agreement <i>(Presented by Dan Lee, City Attorney)</i>

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in a public meeting, or who have questions regarding the accessibility of the meeting or facilities should contact the City Clerk at 770-730-5600 promptly for assistance. The City will make reasonable accommodations for those persons.



TO: Members of the Public Facilities Authority

FROM: Eden Freeman, City Manager

DATE: January 3, 2023 Submission for the January 17, 2023 Public Facilities Authority Meeting

ITEM: Request for Public Facilities Authority Consideration of the Appointment of Toni Carlisle as Treasurer of the Public Facilities Authority

Recommendation:

It recommended that the Public Facilities Authority appoint City of Sandy Springs Chief Financial Officer Toni Carlisle as the Treasurer to the Authority.

Background:

The City of Sandy Springs Public Facilities Authority has the power to acquire by purchase, lease, gift, condemnation, or otherwise, and to hold, operate, maintain, lease, and dispose of real and personal property of every kind and character for its corporate purposes. The Authority consists of seven members and may appoint, select and employ officers. The members of the Authority may select a Treasurer, who need not be a member of the Authority.

Discussion:

The City's finance director has traditionally served as treasurer for the Sandy Springs Public Facilities Authority. In March 2022, Sandy Springs Chief Financial Officer Toni Jo Howard ended her employment with the City of Sandy Springs. Immediately afterward, Toni Carlisle was made interim Chief Financial Officer. In the Summer of 2022, Ms. Carlisle was hired to permanently serve as the City's Chief Financial Officer.

Financial Impact:

There is no financial impact.

Alternatives:

The Public Facilities Authority could choose to appoint someone else to serve as the Authority's Treasurer.

Review:

Raquel Gonzalez, City Clerk
Toni Carlisle, Chief Financial Officer
Kathy Williams, Staff Attorney
Eden Freeman, City Manager

Created/Initiated - 1/6/2023
Approved - 1/9/2023
Approved - 1/9/2023
Final Approval - 1/13/2023

Attachments:

1. PFA Resolution _Appoint of Treasurer

STATE OF GEORGIA
COUNTY OF FULTON

**A RESOLUTION CONFIRMING AND APPOINTING OFFICERS OF THE CITY OF
SANDY SPRINGS PUBLIC FACILITIES AUTHORITY; TO CONFIRM AND RATIFY
ALL PRIOR ACTIONS OF THE AUTHORITY; AND FOR OTHER PURPOSES**

BE IT RESOLVED by the Public Facilities Authority of the City of Sandy Springs, Georgia while in special session on January 17, 2023, at 6:00 p.m. as follows:

SECTION 1. That the person serving as the City of Sandy Springs Chief Financial Officer, who at the date of this Resolution is Toni Carlisle, is hereby appointed to serve as the Treasurer of the Public Facilities Authority for a term pursuant to the Authority's enabling legislation and bylaws and, unless otherwise modified by prevailing law or amendment, Chief Financial Officer Carlisle shall continue as Treasurer until such time as she is no longer serving as the Chief Financial Officer for the City of Sandy Springs.

SECTION 2. That the Public Facilities Authority hereby confirms and ratifies all actions taken by the Authority, including without limitation all contracts, agreements and letters of intent, prior to the date hereof, in compliance with, and pursuant to, the terms and conditions of the Authority's enabling legislation and bylaws.

RESOLVED this the 17th day of January, 2023.

Approved:

Russell K. Paul, Chairman

Attest:

Raquel D. González, Secretary
(Seal)



TO: Members of the Public Facilities Authority

FROM: Dan Lee, City Attorney

DATE: January 3, 2023 Submission for the January 17, 2023 Public Facilities Authority Meeting

ITEM: Request for Public Facilities Authority Consideration to Approve the Atlantic Specialty Co. Settlement Agreement

Recommendation:

The City Attorney recommends the Public Facilities Authority accept and approve this settlement proposal whereby the issue as to which insurance company may be responsible for the defense and liability of Rosser International. The City Attorney recommends the settlement upon the payment by Atlantic Specialty to the City, the sum of \$32,500.00 this settlement leaves in place the underlying action brought by the City against Rosser and its other insurers.

Background:

Atlantic Specialty issued to Rosser International, Inc. ("Rosser") an Architects and Engineers Professional Liability Insurance Policy No. DPL-5750-16, effective from August 31, 2016, through August 31, 2017 (the "Professional Liability Policy"). On or about August 5, 2015, the City of Sandy Springs (the "City") entered into a written contract with Rosser to act as its architect of record to provide professional design services for the construction of the project known as the City Springs Project, located in Sandy Springs, Georgia (the "Project").

The City filed an action against Rosser styled The City of Sandy Springs Public Facilities Authority v. Rosser International, Inc., Civil Action No. 2019CV326008, in the Superior Court of Fulton County (the "Authority's Action"), in which the Authority asserted that Rosser breached its duty of care in providing certain professional design services on the Project, thereby committing professional negligence. The City acquired a default judgment against Rosser in the Authority's Action.

The Parties are currently involved in an action, Atlantic Specialty Insurance Company v. Rosser International, Inc. and The City of Sandy Springs Public Facilities Authority, Civil Action No. 2022CV360207, in the Superior Court of Fulton County (the "Atlantic Specialty Action"),

in which Atlantic Specialty seeks a declaratory judgment that it has no obligation to defend or indemnify Rosser under the Professional Liability Policy against the claims asserted by the Authority against Rosser in the Authority's Action. Atlantic Specialty asserts in the Atlantic Specialty Action that it has no obligation to defend or indemnify Rosser under the Professional Liability Policy from the claims asserted by the Authority in the Authority's Action because, among other reasons, Rosser breached the notice and cooperation conditions of the Professional Liability Policy by failing to provide notice of the Authority's Action until over two (2) years after the expiration of the Professional Liability Policy, and three (3) months after Rosser was served with the summons and complaint and after the court entered a default judgment against Rosser in the Authority's Action. The City's Counsel, Taylor English, believes the evidence revealed is that the original Defendant's carrier, Traveler's Insurance, and Rosser's insurance broker, Epic, are liable for the claims made by the City.

Discussion:

The settlement proposal \$32,500.00 reflects the cost for the determination of which insurance carrier is responsible and is in the best interest of the City.

The Mayor and City Council accepted this recommended settlement agreement at the January 3, 2023 Mayor and City Council meeting.

Financial Impact:

Alternatives:

Review:

Raquel Gonzalez, City Clerk
Toni Carlisle, Chief Financial Officer
Kathy Williams, Staff Attorney
Eden Freeman, City Manager

Created/Initiated - 1/12/2023
Approved - 1/12/2023
Approved - 1/12/2023
Final Approval - 1/13/2023

Attachments:

None

