



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes LITIGATION MANAGEMENT COMMITTEE

*R. Steve Tumlin, Mayor*  
*Van Pearlberg, Personnel/Insurance Committee Chair*  
*Jim King, Public Works Committee Chair*

Wednesday, April 6, 2011

5:00 PM

Council Chambers

**Presiding:** R. Steve Tumlin  
**Present:** Van Pearlberg and Jim King

*Also Present:*  
*Jackie Gibbs, Acting City Manager*  
*Douglas R. Haynie, City Attorney*  
*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor Tumlin called the meeting to order at 5:00 p.m.*

### BUSINESS:

*General discussion was held regarding the legality, creation and purpose of the Litigation Management Committee.*

#### 20110329 Executive Session

Legal and personnel. Committee Members only.

**A motion was made in open session by Council member King, seconded by Council member Pearlberg, to enter an Executive Session to discuss personnel, legal and attorney client matters. The motion carried by the following vote:**

**Vote: 3 - 0 - 0                      Approved**  
*For: R. Steve Tumlin, Van Pearlberg and Jim King*

**A motion was made in open session by Council member King, seconded by Council member Pearlberg, to close the Executive Session. The motion carried by the following vote:**

**Vote: 7 - 0 - 0                      Approved**  
*For: R. Steve Tumlin, Van Pearlberg and Jim King*

*Mayor Tumlin announced that the executive session would be held in the Mayor's Office.*

**A motion was made in open session by Council member King, seconded by Council member Pearlberg, to enter an Executive Session to discuss personnel, legal and attorney client matters. The motion carried by the following vote:**

**Vote: 3 - 0 - 0                      Approved**  
*For: R. Steve Tumlin, Van Pearlberg and Jim King*

*The Executive Session was held (the Chairman's affidavit is attached hereto as Attachment A).*

**A motion was made in open session by Council member King, seconded by Council member Pearlberg, to close the Executive Session. The motion carried by the following vote:**

**Vote: 3 - 0 - 0                      Approved**  
*For: R. Steve Tumlin, Van Pearlberg and Jim King*

**20110330                      Employment of Special Counsel**

I hereby move to employ \_\_\_\_\_ with the firm of \_\_\_\_\_ as Special Counsel to the City of Marietta related to pending or potential litigation or other judicial actions to be brought against the City of Marietta or any officer thereof by Mr. Philip M. Goldstein, et al. The employment of Special Counsel shall be in accordance with the terms and conditions set forth in the Litigation Management Ordinance, Legistar No.: 20110282, Ordinance No.: 7527. The Chair of this Committee is authorized to approve the final terms and conditions of the employment and it is recommended that the hourly rate not exceed the current rate paid to the Marietta City Attorney. The Chair is hereby authorized to execute the Professional Services Contract pursuant to this Motion.

*“I hereby move to employ Dana Maine with the firm of Freeman, Mathis and Gary as Special Counsel to the City of Marietta...”*

**The motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Approved. The motion carried by the following vote:**

**Vote: 3 - 0 - 0                      Approved**

**20110331                      Pending or Potential Litigation**

Motion or motions related to pending or potential litigation or other judicial actions to be brought against the City of Marietta or any officer thereof by Mr. Philip M. Goldstein, et al.

**No Action Taken**

**ADJOURNMENT:**

*The meeting was adjourned at 6:15 p.m.*

**Respectfully submitted,**

\_\_\_\_\_  
**Stephanie Guy, City Clerk**

**Approved:** \_\_\_\_\_