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MEMORANDUM

To: Mayor and City Council
From: Warren Hutmacher, City Manager
Date: April 11, 2011
Subject: **U.S. Department of Justice Preclearance**

BACKGROUND

Pursuant to Section 5 of the 1965 Voting Rights Act, the City of Dunwoody, and all other cities and counties in Georgia, must request preclearance from the Department of Justice at least 60 days prior to any redistricting, annexation, special elections, bond referendums, ballot questions, or movement of polling locations. The Voting Rights Act allows jurisdictions with "clean" voting rights records to "bailout" of the preclearance requirements.

As part of the February 28, 2011 Work Session, the Council discussed the possibility of requesting a "bailout" from the preclearance requirements. The City of Sandy Springs successfully completed this process with the assistance of outside counsel with expertise in the Voting Rights Act and experience working with the Department of Justice.

Prior to hiring outside legal counsel for this venture, staff suggested acquiring a copy of the documentation Sandy Springs used in pursuing a "bailout" from the preclearance requirements and further researching if this could be completed by existing staff within existing resources.

RECOMMENDATION

After further investigation, although staff believes we could complete the necessary preliminary paperwork, if the Council does decide to pursue a "bailout" from the preclearance requirements, staff recommends hiring outside legal counsel with expertise in the Voting Rights Act and experience working with the Department of Justice. The City's legal staff does not have the requisite experience within the Department of Justice to facilitate this process. If the City pursues this course of action, outside counsel would coordinate necessary meetings with the Department of Justice, work with Department of Justice attorneys, gather any and all requested information, and navigate the system on our behalf.

Staff further recommends the City Attorney negotiate a reasonable and appropriate fee for this service.