

Unified Government of Athens-Clarke County, Georgia
Mayor and Commission
Special Called Session
Tuesday, May 10, 2022
5:33 p.m.
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Girtz; Commissioners Davenport, Parker, Link, Wright, Denson, Houle, Edwards, Myers, Thornton, and Hamby. No one was absent.

The purpose of the meeting was to consider CY22 Pavement Management Program authorization to readvertise; a resolution providing for the levy and collection of an annual ad valorem tax to provide funds for the payment of the principal of and interest on the \$75,000,000 in aggregate principal amount of Clarke County School District (Georgia) General Obligation Sales Tax Bonds, Series 2022; and any other item in proper order.

Citizen input

There was none.

New business – Consider under suspension of rules

A motion was made by Commissioner Denson, seconded by Commissioner Link, to suspend Rules of Commission for consideration of two items of new business. The motion passed by unanimous vote.

A motion was made by Commissioner Edwards, seconded by Commissioner Link, to authorize staff to re-advertise and solicit bids on the revised CY22 PMP project scope with base bids and multiple bid alternates (added scope), as shown in Attachment #1 of agenda report dated May 6, 2022; and authorize the Mayor and appropriate staff to execute all related documents. The motion passed by unanimous.

A motion was made by Commissioner Hamby, seconded by Commissioner Thornton, to adopt the following resolution. The motion passed by unanimous vote.

A RESOLUTION PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL AD VALOREM TAX TO PROVIDE FUNDS FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE \$75,000,000 IN AGGREGATE PRINCIPAL AMOUNT OF CLARKE COUNTY SCHOOL DISTRICT (GEORGIA) GENERAL OBLIGATION SALES TAX BONDS, SERIES 2022

WHEREAS, at an election duly called and held in the Clarke County School District (the "School District"), which embraces all of the Unified Government of Athens-Clarke County, Georgia ("Unified Government"), on the 2nd day of November, 2021 (the "Election"), after notice thereof had been given of the time of the Election in the manner required by law, a majority of the registered voters of the School District voting in said Election voted in favor of the imposition of an educational special one percent sales and use tax (the "Sales and Use Tax") in the Unified Government for a period of time not to exceed 20 calendar quarters and for the raising of not more than \$175,000,000, for the purposes of acquiring, constructing and equipping the following capital outlay projects: (a) construction of, additions to, renovations of, repairs to, improvements to, and equipment for new and existing educational, administrative and services buildings, properties, and facilities of the School District, as indicated by enrollment and enrollment trends, including, without limitation, Alps Road Elementary School, Barnett Shoals Elementary School, David C. Barrow Elementary School, Chase Street Elementary School, Cleveland Road Elementary School, Fowler Drive Elementary School, the facility known as the West Broad campus, Howard B. Stroud Elementary School, J.J. Harris Elementary School, the current Gaines Elementary School, the facility formerly operated as Gaines Elementary School, Oglethorpe Avenue Elementary School, Timothy Road Elementary School, Whit Davis Elementary School, Whitehead Road Elementary School, Winterville Elementary School, Burney-Harris-Lyons Middle School, Clarke Middle School, W. R. Coile Middle School, Hilsman Middle School, Cedar Shoals High School, Clarke Central High School and Classic City High School, Athens Community Career Academy, Early Learning Center, athletic facilities, transportation facilities (including bus driver training facilities), maintenance facilities, storage facilities, and administrative and services facilities; (b) new administrative and services facilities, and professional and early learning facilities; (c) technology to be used at all educational and administrative facilities, including, but not limited to, computers, laptops, tablets and mobile devices for students and staff, servers, wiring, wireless antennas, and other technology upgrades with necessary hardware, software, and programs; (d) acquisition of and/or improvements to

real and personal property, including, but not limited to, improved or unimproved land and existing buildings for future school or administrative and services facility sites, custodial and school nutrition kitchen equipment and other furniture, fixtures and equipment; (e) security system upgrades, equipment and infrastructure to all educational and administrative facilities; (f) school buses (including installment payments); (g) sewer system upgrades to convert from septic systems to public sewer; (h) capital expenditures in accordance with the School District's strategic plan for facilities; and (i) capitalized expenses incident thereto (including the payment of any capitalized interest); all in accordance with the facilities plans of the School District, as the same may be revised in accordance with the needs of the School District (collectively, the "Projects"); and the issuance of general obligation debt of the School District in the principal amount of \$75,000,000 (the "Debt") to finance the Projects and the costs of issuance of such Debt; and

WHEREAS, the School District now desires to issue a portion of the Debt, and pursuant to a resolution duly adopted by the Board of Education of Clarke County on May 5, 2022 (the "Bond Resolution"), the School District authorized the issuance of \$75,000,000 in aggregate principal amount of Clarke County School District (Georgia) General Obligation Sales Tax Bonds, Series 2022 (the "Series 2022 Bonds") dated as of their date of issuance and delivery, for the purpose of (a) financing the acquisition, construction, renovation and equipping of a portion of the Projects, and (b) paying the cost of issuing the Series 2022 Bonds; and

WHEREAS, the Series 2022 Bonds shall be first payable from the proceeds received by the School District from the imposition of Sales and Use Tax, which Sales and Use Tax was authorized to be levied in the Unified Government at the Election heretofore described; and

WHEREAS, the Board of Education of Clarke County, the body charged with contracting debts and managing the affairs of the School District, in order to issue the Series 2022 Bonds, is required by Article IX, Section V, Paragraph VI of the Constitution of the State of Georgia to cause the assessment by the Commission of Athens-Clarke County, Georgia of a direct annual ad valorem tax, levied upon all taxable property within the Unified Government subject to taxation for school bond purposes, for the purpose of paying the principal of and interest on the Series 2022 Bonds in the amounts and for the years hereinafter stated; and

WHEREAS, it is necessary at this time that a tax be levied annually in amounts sufficient to pay, to the extent that the proceeds of the Sales and Use Tax are not sufficient to pay the entire principal of and interest on the Series 2022 Bonds when due, the principal of, and the interest on, the Series 2022 Bonds as the same become due, which tax must be levied in the year preceding the year in which the payments are required to be made so that said payments may be made in a timely fashion.

NOW, THEREFORE, BE IT RESOLVED by the Commission of Athens-Clarke County, Georgia, in a meeting duly assembled and open to the public, and it is hereby resolved by authority of the same, pursuant to Article IX, Section V, Paragraph VI of the Constitution of the State of Georgia, and as requested by the Board of Education of Clarke County pursuant to the Bond Resolution, that there be and is hereby assessed a direct annual tax sufficient to pay debt service on the Series 2022 Bonds upon all property subject to taxation for school bond purposes and located in the School District, which School District embraces all of the territory comprising the Unified Government, which tax shall be sufficient to raise the sums in each of the years as more fully set forth in Exhibit A hereto attached and made a part hereof. The sums hereby levied are irrevocably pledged and appropriated to the payment of the principal of, and interest on, the Series 2022 Bonds as the same become due and payable.

To the extent the net proceeds of the Sales and Use Tax are insufficient to pay the principal of and interest on the Series 2022 Bonds as the same become due and payable, the said several sums shall be collected by the Tax Commissioner of Athens-Clarke County, Georgia, in each of said years, and shall be annually (or sooner) paid into a sinking fund to be maintained for and applied to the payment of the principal of, and interest on, the Series 2022 Bonds as the same become due and payable, and provisions to meet the requirements of this resolution shall be made annually (or sooner) thereafter.

BE IT FURTHER RESOLVED by the authority aforesaid, and it is hereby resolved by authority of the same, that all orders and resolutions in conflict with the resolution this day passed, if any, be and the same are hereby repealed.

Commissioner Parker exited the meeting at 5:56 p.m.

A motion was made by Commissioner Thornton, seconded by Commissioner Wright, to adjourn. The motion passed with nine YES votes.

The meeting adjourned at 6:00 p.m.