

Unified Government of Athens-Clarke County, Georgia  
Special Called Session  
Tuesday, August 15, 2017  
6:00 p.m.  
City Hall

The Mayor and Commission of the Unified Government of Athens-Clarke County, Georgia met this date in a special called session. Present: Mayor Pro tem Wright; Commissioners Dickerson, Sims, Link, Bailey, NeSmith, Bell, Herod, Girtz, and Hamby. Absent: Mayor Denson. Mayor Pro tem Wright presided.

The purpose of the meeting was to adopt a resolution calling for a referendum on November 7, 2017 for the imposition of a TSPLOST tax to begin on April 1, 2018.

Citizen input

There was no citizen input.

Mayor Pro tem Wright expressed appreciation to citizens who served on the TSPLOST 2017 Citizen's Advisory Committee.

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

**RESOLUTION CALLING FOR AN ELECTION TO IMPOSE  
A SPECIAL DISTRICT MASS TRANSPORTATION SALES TAX**

A RESOLUTION OF THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA IMPOSING A SPECIAL DISTRICT MASS TRANSPORTATION SALES AND USE TAX AS AUTHORIZED BY PART 1 OF ARTICLE 5A OF CHAPTER 8 OF TITLE 48 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, SPECIFYING THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH TAX ARE TO BE USED; SPECIFYING THE RATE OF SUCH TAX; SPECIFYING THE MAXIMUM AMOUNT OF REVENUES TO BE RAISED BY THE TAX; SPECIFYING THE ESTIMATED COST OF THE PURPOSES TO BE FUNDED FROM THE PROCEEDS OF SUCH TAX; SEEKING APPROVAL TO ISSUE GENERAL OBLIGATION DEBT IN CONJUNCTION WITH SUCH TAX; REQUESTING THE ELECTION SUPERINTENDENT TO JOIN IN A CALL FOR ELECTION OF THE VOTERS OF ATHENS-CLARKE COUNTY TO APPROVE THE IMPOSITION OF SUCH SALES AND USE TAX; APPROVING THE FORM OF BALLOT TO BE USED IN SUCH AN ELECTION; AND FOR OTHER PURPOSES.

**WHEREAS**, Part 1 of Article 5A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated (the "Act") authorizes the imposition of a special district mass transportation sales and use tax for the purpose of financing certain transportation purposes; and

**WHEREAS**, the Mayor and Commission of Athens-Clarke County, Georgia (the "Commission") has determined that it is in the best interest of the citizens of Athens-Clarke County that such sales and use tax (the "TSPLOST") be imposed within a special district co-extensive with Athens-Clarke County (the "Special District") to raise the sum \$109,500,000 for the purposes described hereinbelow; and

**WHEREAS**, the Unified Government of Athens-Clarke County, Georgia (the "Unified Government") has concluded that at least 30% of the estimated revenue from the proposed tax is to be expended on projects consistent with the state-wide strategic transportation plan prescribed by O.C.G.A. § 32-2-22(a)(6); and

**WHEREAS**, it is necessary to submit to the qualified voters of Athens-Clarke County the question of whether or not the TSPLOST should be imposed; and

**WHEREAS**, on June 1, 2017, pursuant to the procedures set out in O.C.G.A. §48-8-262(a), the Mayor and Manager of the Unified Government conducted a meeting at which designated representatives of the Unified Government, the Town of Bogart and the City of Winterville (the "Municipalities") met and discussed the imposition of the TSPLOST, the distribution of TSPLOST proceeds and possible projects and purposes for inclusion in the proposed referendum; and

**WHEREAS**, the Unified Government has entered into prior to the call for election an intergovernmental agreement (the "Intergovernmental Agreement") with the Municipalities

complying with the requirements of O.C.G.A. § 48-8-262(b), a copy of which is attached hereto as Exhibit A.

**NOW, THEREFORE**, the Commission of Athens-Clarke County, Georgia, hereby resolves as follows:

**A. Imposition of TSPLOST.** Assuming the question of imposing the TSPLOST is approved by the majority of the voters of the Unified Government voting in the election hereinafter referred to, the TSPLOST shall be imposed at the rate and for the maximum amount, purposes and estimated costs thereof, and the maximum period of time for which the TSPLOST may be imposed as follows:

1. In order to finance the purposes described herein, the TSPLOST at the rate or in the amount of one (1%) percent on all sales and uses in the Special District is hereby authorized to be levied and collected as provided in the Act.
2. The proceeds of such TSPLOST are to be used to finance the projects and purposes described in Exhibit B attached hereto and made a part hereof by this reference (the "Projects and Purposes") and to pay the general obligation debt that may be issued in conjunction with the TSPLOST as described below. The Projects and Purposes and the approximate costs of each are set forth in said Exhibit B.
3. The approximate cost of the Projects and purposes, which shall also be the maximum amount of the net proceeds to be raised by the TSPLOST, is \$109,500,000.
4. The TSPLOST is imposed for a maximum period of time of five (5) years.

**B. General Obligation Debt.**

1. Assuming the question of imposing the TSPLOST is approved by a majority of the qualified voters of the Special District voting in the election hereinafter referred to, the Unified Government is hereby authorized to issue its general obligation debt (the "Debt") in conjunction with the TSPLOST, in an aggregate principal amount of up to \$95,000,000. The proceeds of the Debt, if issued, shall be used to pay all or a portion of the costs of such of the Projects and Purposes as the Commission shall determine (the "Bond Projects and Purposes"), capitalized interest for such period as the Commission shall determine, and the costs of issuing the Debt. The Debt may be issued in one or more separate issuances or series. A portion of the proceeds of the TSPLOST will be used for repayment of the Debt (and interest thereon), if issued, and the portion of the proceeds of the TSPLOST not used for the repayment of the Debt (and interest thereon) will be used to pay costs of Projects and Purposes or portions of Projects and Purposes not funded with the Debt, in the manner provided by the Act.
2. The maximum interest rate or rates which such Debt is to bear is six percent (6%) per annum. The Debt would be repayable during the period of receipt of the TSPLOST or within three months after the last scheduled receipt. The debt service on the Debt would not exceed in any year \$21,780,000.
3. The proceeds of the Debt shall be deposited by the Unified Government in a separate fund or account as is consistent with the laws of the State of Georgia.
4. The TSPLOST proceeds received by the Unified Government for the Projects and Purposes in any year pursuant to the imposition of such tax shall be deposited in a separate fund or account and be first used to satisfy the debt service requirements on the Debt for any such year before such proceeds are applied to any of the other purposes authorized above. Proceeds of the TSPLOST received by the Unified Government in any year not required to satisfy the debt service requirements in the Debt for such year may be applied toward funding the Projects and Purposes to the extent such Projects and Purposes have not been funded with Debt proceeds.
5. The Commission hereby determines that the proceeds of the collection of the TSPLOST in each year will be sufficient to pay the principal and interest of the Debt which may come due and payable in each year.
6. Any brochures, listings or other advertisements heretofore or hereafter issued by the Commission or by any other person, firm, corporation or association with

the knowledge and consent of the Commission shall be deemed to be a statement of intention of the Commission concerning the use of the proceeds of the Debt and such statement of intention shall be binding upon the Commission with respect to the expenditure of the proceeds of such Debt or interest received from the investment of the proceeds of such Debt, to the extent provided in Section 36-82-1(d) of the Official Code of Georgia Annotated.

**C. Call for the Election; Ballot Form; Notice.**

1. The Board of Elections and Registration of Athens-Clarke County is hereby requested to call an election in all voting precincts in the Unified Government on the 7th day of November, 2017, for the purpose of submitting to the qualified voters of the Unified Government the question set forth in paragraph 2 below.

2. The ballots to be used in the election shall have written or printed thereon substantially the following:

<input type="checkbox"/> Yes <input type="checkbox"/> No	Shall a special one percent (1%) sales and use tax be imposed in the special district of Athens-Clarke County for a period of time not to exceed five years and for the raising of not more than an estimated amount of \$109,500,000 for transportation purposes? If the imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of the Unified Government of Athens-Clarke County, in the principal amount of up to \$95,000,000 for the above purposes.
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3. It is hereby requested that the election be held by the Board of Elections and Registration of Athens-Clarke County in accordance with the election laws of the State of Georgia, including, without limitation, the election laws relating to special elections. It is hereby further requested that the Board of Elections and Registration of Athens-Clarke County canvass the returns, declare the result of the election and certify the result to the Secretary of State and to the Commissioner of Revenue.

4. The Board of Elections and Registration of Athens-Clarke County is hereby authorized and requested to publish a notice of the election as required by law in the newspaper in which Sheriff's advertisements for the Unified Government are published once a week for up to five (5) weeks immediately preceding the date of the election. The notice of the election shall be in substantially the form attached hereto as Exhibit C.

- D. The Clerk of the Commission is hereby authorized and directed to deliver a copy of this Resolution to the Board of Elections and Registration of Athens-Clarke County, with a request that the Board of Elections and Registration of Athens-Clarke County join in this call for an election.
- E. The proper officers and agents of the Unified Government are hereby authorized to take any and all further actions as may be required in connection with the imposition of the TSPLOST and the authorization of the Debt.
- F. The Intergovernmental Agreement and the execution and delivery thereof by the Chairman and the attestation thereto and sealing thereof by the Clerk hereby are authorized and ratified.
- G. This Resolution shall take effect upon its approval by the Mayor.

A motion was made by Commissioner Sims, seconded by Commissioner Bailey, to enter into executive session for discussion of real estate acquisition and/or disposal and an attorney/client conference. The motion passed by unanimous vote.

The meeting adjourned at 6:06 p.m.

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Clerk of Commission