

Unified Government of Athens-Clarke County, Georgia
 Mayor and Commission
 Special Called Session
 Tuesday, October 16, 2018
 6:00 p.m.
 City Hall

The Mayor and Commission of the Unified Government of Athens-Clarke County met this date in a special called session. Present: Mayor Denson; Commissioners Dickerson, Parker, Link, Wright, NeSmith, Bell, Herod, Girtz, and Hamby. Absent: Commissioner Bailey. Commissioner Dickerson came in at 6:04 p.m.

The purpose of the meeting was to consider SPLOST 2020 Staff proposed projects; Classic Center financing resolution; enter into executive session for an attorney/client conference to discuss threatened or pending litigation and real estate acquisition and/or disposal and any other item in proper order.

Citizen input

There was no citizen input.

New business – Consider under suspension of Rules

A motion was made by Commissioner Girtz, seconded by Commissioner NeSmith, to suspend Rules of Commission for consideration of items on this agenda. The motion passed by unanimous vote.

A motion was made by Commissioner NeSmith, seconded by Commissioner Link, to allow the SPLOST 2020 projects proposed by staff, as per agenda report dated October 11, 2018, to be submitted to the Citizens Advisory Committee for further consideration along with all of the other staff proposed SPLOST 2020 projects. The motion passed by unanimous vote. Project list follows.

Submitting department	Project Name
Airport	Airport Capital Improvement Plan
Central Services	New Government Administration Building
Central Services	Courthouse Renovation for Building Security Improvements for Judicial Functions in combination with New Government Administration Building
Central Services	Gateway and Corridor Visual Enhancements
Courts	New Judicial Facility to Accommodate all Judicial functions
Central Services	Courthouse Renovation for Government Administrative Functions in combination with new judicial facility
Dept. of Corrections	New Corrections Institution facility
Economic Development	Economic Development
Economic Development	Innovation infrastructure
Police	Public Safety Training Center
Police	Police Assigned Vehicle Program
T&PW	Pavement Rehabilitation
T&PW	Vision Zero Program
T&PW	Smart City Transportation Project

A motion was made by Commissioner Hamby, seconded by Commissioner Bell, to adopt the following resolution which formally implements the intent of the August 7 action of the Mayor and Commission with reference to a guaranteed energy savings performance contract financing. The motion passed by unanimous vote.

RESOLUTION OF THE MAYOR AND COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA APPROVING AND AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF AN INTERGOVERNMENTAL CONTRACT WITH THE CLASSIC CENTER AUTHORITY FOR CLARKE COUNTY; APPROVING THE ISSUANCE OF THE CLASSIC CENTER AUTHORITY FOR CLARKE COUNTY PROMISSORY NOTE; AND FOR RELATED PURPOSES

WHEREAS, the Classic Center Authority for Clarke County (the "Authority") has been created pursuant to 1988 Ga. Laws p. 3799 *et seq.*, as amended by 1989 Ga. Laws p. 4867 *et seq.* and 2002 Ga. Laws p. 5665 *et seq.* (the "Act"); and

WHEREAS, under the Act, the Authority is empowered (i) to acquire, construct, alter, repair, maintain, add to, extend, improve and equip certain public projects, including buildings to be used for amusement, recreation, civic, cultural and educational purposes, and (ii) with the approval of the Unified Government, to borrow and issue a revenue note for the purpose of paying, in whole or in part, the costs of the Project; and

HEREAS, under the Act, the Authority is empowered to enter into agreements with the State of Georgia, or any political subdivisions thereof, for the legitimate and necessary purposes of the Act; and

WHEREAS, the Unified Government has power to acquire and operate, or cause to be operated, public buildings and facilities, including those to be used for various types of sports, for housing exhibits for fairs and educational purposes, and for amusement purposes and education purposes, pursuant to, among others, the Revenue Bond Law, O.C.G.A. § 36-82-60 *et seq.*; and

WHEREAS, Article IX, Section III, Paragraph I(a) of the Georgia Constitution authorizes, among other things, any county, municipality or other municipal corporation of the State of Georgia to enter into an agreement, for a period not exceeding 50 years, with another county, municipality or municipal corporation or with any other public agency, public corporation or public authority for joint services, for the provision of services, or for the provision or separate use of facilities or equipment, provided that such Intergovernmental Contract deals with activities, services or facilities which the contracting parties are authorized by law to undertake or to provide; and

WHEREAS, the Authority and the Unified Government propose to enter into the Intergovernmental Contract pursuant to which the Authority will agree to (i) acquire, construct and install the Project, as such term is defined in the Intergovernmental Contract (the "Project") and (ii) execute a Note in favor of Regions Equipment Finance Corporation (the "Lender") in order to finance the Project (the "Note") and pay costs of issuance of the Note; and

WHEREAS, the Authority desires to sell the Project to the Unified Government, and the Unified Government desires to purchase the Project from the Authority, subject to the terms and conditions of and for the purposes set forth in the Intergovernmental Contract, and which Project shall be deemed included in the Premises (as such term is defined in the hereinafter defined Lease) and property leased by the Unified Government to the Authority pursuant to the Lease Agreement by and between them dated January 15 and 17, 2002, as amended from time to time (the "Lease").

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Commission of Athens-Clarke County, Georgia, as follows:

Section 1. The execution, delivery and performance of the Intergovernmental Contract be and the same are hereby authorized. The Mayor is hereby authorized to execute and deliver such Intergovernmental Contract on behalf of the Unified Government, which Intergovernmental Contract shall be in substantially the form attached hereto as Exhibit "A" with such changes, insertions or omissions as may be approved by the Mayor of the Unified Government, and the execution of the Intergovernmental Contract by the Mayor of the Unified Government as hereby authorized shall be conclusive evidence of any such approval.

Section 2. The Unified Government approves the issuance by the Authority of the Note.

Section 3. In connection with the execution and delivery of the Intergovernmental Contract, the proper officers, agents and employees of the Unified Government are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents, assignments, allocations and certificates as may be necessary to carry out and comply with the provisions of the Intergovernmental Contract and are further authorized to take any and all further actions and to execute and deliver any and all further documents, assignments, allocations and certificates as may be necessary or desirable in

connection with the issuance by the Authority of the Note and the execution, delivery and performance of the Intergovernmental Contract.

Section 4. All acts and doings of the Unified Government which are in conformity with the purposes and intents of this Resolution and in furtherance of the issuance of the Intergovernmental Contract shall be, and the same hereby are, in all respects, approved and confirmed.

Section 5. This Resolution shall take effect immediately upon its adoption.

A motion was made by Commissioner NeSmith, seconded by Commissioner Girtz, to enter into executive session for an attorney/client conference to discuss threatened or pending litigation and real estate acquisition and/or disposal. The motion passed by unanimous vote.

The meeting adjourned at 6:15 p.m.

Clerk of Commission