

00-R-1646

(Do Not Write Above This Line)

A RESOLUTION

BY FINANCE EXECUTIVE COMMITTEE

A RESOLUTION URGING 2001
GEORGIA GENERAL ASSEMBLY TO
SUPPORT THE CITY OF ATLANTA'S
2001 LEGISLATIVE PACKAGE.

ADOPTED BY
OCT 16 2000
COUNCIL

AS AMENDED

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred to _____

Committee: FIN EXEC
 Date: 10-11-2000
 Chair: [Signature]
 Action: (Fav, Adv, Hold (see rev. side))
 Other: _____
 Members: [Signature]
 Refer To: [Signature]

Committee _____
 Date _____
 Chair _____
 Action: _____
 Other: _____
 Members _____
 Refer To _____

FINAL COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED
 OCT 16 2000
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 OCT 16 2000
 DEPUTY MUNICIPAL CLERK
[Signature]

MAYOR'S ACTION
 APPROVED
 OCT 24 2000
 MAYOR
[Signature]

CITY COUNCIL
ATLANTA, GEORGIA

00- R -1646

A RESOLUTION

BY FINANCE EXECUTIVE COMMITTEE

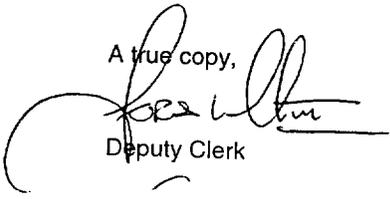
A RESOLUTION URGING THE 2001
GEORGIA GENERAL ASSEMBLY TO
SUPPORT THE CITY OF ATLANTA'S
2001 LEGISLATIVE PACKAGE.

WHEREAS, the City of Atlanta has prepared its Legislative Package for presentation to the 2001 Georgia General Assembly; and

WHEREAS, the 2001 Legislative Package contains legislation that will impact the City of Atlanta, and in some cases, the State of Georgia, particularly in the areas of Appropriations, Economic Development, Housing, Municipal Government, Public Works, Revenue Enhancement, and Taxes.

NOW THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE COUNCIL OF ATLANTA, GEORGIA, that the 2001 Georgia General Assembly is urged to support the City of Atlanta's 2001 Legislative Package, which includes the proposals shown on Exhibit A attached hereto and incorporated herein by reference.

A true copy,


Deputy Clerk

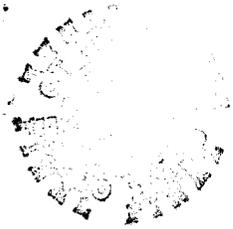
ADOPTED as amended by the Council
APPROVED by the Mayor

OCT 16, 2000
OCT 24, 2000

City of Atlanta



2001 Proposed Legislative Package



CITY OF ATLANTA

PROPOSED 2001 LEGISLATIVE PACKAGE

Prepared by the Office of Intergovernmental Affairs
September 25, 2000

A. APPROPRIATIONS

- Request appropriation for "Fire Burn" Training Facility.

B. ECONOMIC DEVELOPMENT

- Amend Business Expansion Support Act to allow the Job Tax Credit Provision to include undeveloped eligible census tracts in urban areas.

C. HOUSING

- Support legislation prohibiting Predatory Lending Practices.

D. MUNICIPAL GOVERNMENT

- Support legislation to remove current State of Georgia flag.
- Amend Open Records Act so as to provide additional exemption for Homicide photographs.

E. PUBLIC WORKS

- Support legislation which provides a Permanent Easement to the Confederate Avenue Landfill.

F. REVENUE ENHANCEMENT

- Amend State law to authorize the issuance of Commercial Paper.
- Amend State Law to allow local government to increase Alcohol License Fees.

G. TAXES

- Exclude MARTA Tax from the State's 2% cap Local Option Sales Tax.
- Amend state law to provide for Fulton County to access and collect City of Atlanta Taxes (city wide) .



2001 CITY OF ATLANTA LEGISLATIVE PACKAGE

Background Information October 2000

Developed by the Office of Intergovernmental Affairs

| Appropriations | Section |
|--|----------------|
| Request for appropriations for "fire burn" training facility. | 1-1 |
| Economic Development | |
| Amendment to the Georgia Business Expansion Support Act. | 2-1 |
| Housing | |
| Support legislation addressing the issue of predatory lending. | 3-1 |
| Municipal Government | |
| Support legislation to remove current State of Georgia flag. | 4-1 |
| Amendment to Open Records Act. | 4-2 |
| Public Works | |
| Post closure maintenance of the Confederate Avenue Landfill. | 5-1 |



Revenue Enhancement

- Commercial Paper Authorization. 6-1
- Amend State law so as to increase the maximum annual license fee. 6-2

Taxes

- Exclude MARTA Tax from State imposed 2% local option sales tax cap. 7-1
- Amend State law to provide for the Fulton County Tax Office to assess and collect City of Atlanta property taxes citywide. 7-2

1

APPROPRIATIONS

2

**ECONOMIC
DEVELOPMENT**

3

HOUSING

4

**MUNICIPAL
GOVERNMENT**

5

PUBLIC WORKS

6

**REVENUE
ENHANCEMENT**

7

TAXES

8



APPROPRIATIONS

Request State Appropriation for “Fire Burn” Training Facility

Background

This proposal seeks to obtain an appropriation in the amount of \$150,000.00, from the State for the construction of a fire laboratory (burn building) for fire-fighter training in the Atlanta area. The City’s current burn building is located at 25 Claire Drive S.W. Research has shown that the Atlanta Fire Department’s burn building has been in service for training since 1960. During the past thirty-nine years of service, this burn building has performed the essential function of live fire training. Over the years, it has been subjected to extreme conditions during training classes and live fire burns.

A conservative estimate of repairs needed for the current burn building exceeds \$300,000.00. This is not a unique problem for metropolitan Fire Departments. DeKalb, Fulton and Fayette Counties Fire Departments’ “burn buildings” are currently non-functional or under repair. In addition, the burn building at the Georgia Public Safety Training Center (GPSTC) is scheduled for demolition and replacement.

The City of Atlanta trains over 800 fire fighters each month. The City’s last recruit class had to travel to Columbus, Georgia to use its Fire Department facilities. The appropriation for this additional “fire burn” facility will substantially aid in the effort to maximize the delivery of training to the State of Georgia’s Firefighters.

- Approximately ten (10) training exercises will be conducted, on a monthly basis.
- It is estimated that 930, City of Atlanta, and, 500, Fulton County, personnel, for a total of 1430 firefighters, will be trained at the “fire burn” facility on an annual basis.
- The Georgia Firefighter Standards & Training Council, which is a part of the GPSTC, requires every sworn firefighter in the State of Georgia to receive and report a minimum of 160 hours of training, on an annual basis. The training hours and exercises conducted at the “Burn Building” will be part of those required hours.
- In accordance with the service delivery strategy legislation, the Georgia Fire Service has adopted a concept of regional training facilities, which promotes reaching firefighters within a certain radius for training purposes. To achieve effective and efficient service delivery of training requirements, this facility could easily serve the fire departments within the Metropolitan Atlanta area.

ECONOMIC DEVELOPMENT

Amend the 1998 Amendment to the 1995 Georgia Business Expansion Support Act

Proposal:

Request the 2001 Georgia General Assembly to enact legislation which would amend the 1998 Amendment to the 1995 Georgia Business Expansion Support Act, to include income job tax credits, for retail businesses, within underdeveloped census tracts which have been deemed eligible for incentives provided in said act. *These tax credits would be given to retail business which create jobs that pay 50% more than the minimum wage rate.*

Background:

The 1995 Georgia Business Expansion Support Act provides for a statewide job tax credit for any business or headquarters of any such business engaged in manufacturing, warehousing and distribution, processing, telecommunications, tourism, and research and development industries, but did not include retail businesses.

The above act was amended in 1998 (48-7-40.1 G) to include job tax credits for businesses of any nature, including retail businesses, in counties recognized and designated as the 40 least developed counties. The Georgia Department of Community Affairs (DCA), the administrator of the 1995 Georgia Business Expansion Support Act program, states that under the amendment, only the 40 least developed counties are eligible for the increased incentives. The amendment did not include similar eligible census tracts.

1. It is believed that census tract were inadvertently omitted from the 1998 Amendment. There appears to be no reason to treat census tracts differently within the Act, in this one instance.
2. Many of the eligible census tracts within the City of Atlanta, and other urban areas within the State, are finding it increasingly difficult to attract any business engaging in activities currently provided for in the Georgia Business Expansion Support Act, specifically, manufacturing, warehousing and distribution. This difficulty is due to the urban nature of the census tracts, which are dealing with an overloaded transportation system and increasing land costs. An examination of the needs of the eligible census tracts in the City of Atlanta shows a strong need for retail job tax credit incentives.
3. Many of the State's urban areas will benefit greatly by offering this incentive for the following reasons:
 - Provide jobs in disadvantaged communities.
 - Increase economic development within the State, in general.
 - Increase development in underdeveloped urban areas, which already have infrastructure (in depressed areas most infrastructure is severely underutilized) saving taxpayers from additional infrastructure costs.
 - Increase density of development prompting less sprawl, prompting smaller commute times resulting in less air quality problems.
 - Provide incentives for additional brownfield development and clean up.
 - Preserve and enhance undeveloped land on outskirts of urban areas.

Atlanta Development Authority has been working on several projects that are located in census tracts that have been deemed eligible for incentives provided in the above mentioned Act. These projects include the Historic Westside Village and Centennial Place, both key developments in the area of Centennial Olympic Park.

Communities with underdeveloped urban areas support the proposed amendment to the 1998 Amendment of the 1995 Georgia Business Expansion Support Act to allow for counties and equivalent census tracts to be treated the same, which was the original intent of the 1995 Georgia Business Expansion Support Act.



HOUSING

Support legislation addressing the issue of predatory lending

Background:

Housing is one of the most important assets held by residents and taxpayers in the City of Atlanta, including that portion of the City of Atlanta in DeKalb County. An individual's investment in housing often represents the single most significant financial commitment of a lifetime. It is in the best interests of the City of Atlanta to help protect these assets in order to promote and preserve viable and prosperous neighborhoods throughout the City.

Homeowners of the City of Atlanta, particularly African-American and elderly residents of the City of Atlanta are increasingly targeted by companies who engage in abusive and predatory lending practices, for the purpose of increasing the likelihood of foreclosures and the opportunity to take title in such properties.

The Metropolitan Atlanta area is number one in the nation for foreclosures, and during 1999, there were more than 7,348 foreclosures in the City of Atlanta, Fulton and DeKalb Counties.

It is the policy and intent of the City of Atlanta that the level of homeownership in the City of Atlanta is increased, and that the residents, taxpayers, and families of the City of Atlanta are protected from predatory lending practices to the fullest extent permitted by law.

The City of Atlanta encourages the federal, state and county governments, as well as the Freddie Mac and Fannie Mae lending agencies, to better regulate and expose predatory lending practices, in order to ensure that homeowners are not victimized by such practices and in order to ensure that there are laws in place to criminalize such practices.

Freddie Mac, Fulton and DeKalb Counties and the City of Atlanta have joined together in the "Don't Borrow Trouble" campaign, recently launched in the Atlanta area to alert local families about the dangers of predatory lending.

The City of Atlanta supports all efforts by federal, state and county authorities to enact laws and regulations, which prohibit and criminalize predatory lending practices.



CITY COUNCIL
ATLANTA, GEORGIA

RESOLUTION

BY COUNCILMEMBER MICHAEL J. BOND

00- -0645

C. T. Martin

C. T. Martin

City Clerk

Mable Strong

**A RESOLUTION EXPRESSING THE MAYOR
AND COUNCIL'S SUPPORT OF REMOVING
THE CURRENT STATE OF GEORGIA FLAG
FROM THE STATE CAPITOL AND REPLACING
IT WITH THE PRE-1956 STATE OF GEORGIA
FLAG OR A NEW FLAG; AND FOR OTHER
PURPOSES.**

Donnell
NEW
Pin

WHEREAS, the current state of Georgia Flag does incorporate the Confederate flag's stars and bars; and

WHEREAS, the Confederate Flag is offensive to most citizen's of this great state and should not be a part of the state of Georgia's flag; and

WHEREAS, the N. A. A. C. P. was successful in their economic boycott of the state of South Carolina to remove the Confederate flag from their State Capitol; and

WHEREAS, the N. A. A. C. P. did threaten the state of Georgia at the 2000 Super Bowl of an economic boycott should the flag remain; and

WHEREAS, the removal of the flag would be considered as a gesture of goodwill to all citizens of the state of Georgia and eliminate the racial divide that exist because of the flag.

NOW THEREFOR BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA that the Mayor and City Council of Atlanta, Georgia go on record as fully supporting the removal of the State of Georgia Flag and replacing it with the pre-1956 or a new flag.

BE IT FURTHER RESOLVED that the Municipal Clerk is directed to send (fax or Priority Mail) a copy of this resolution to all members of the Fulton County Delegation.

AND FINALLY BE IT RESOLVED that all resolutions in conflict herewith are hereby repealed.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

May 01, 2000
May 09, 2000



MUNICIPAL GOVERNMENT

Amendment to Open Records Act

Background:

This proposal seeks to amend the Open Records Act to expand the list of records which are specifically exempt from disclosure so as to include photographs of bodies of homicide victims taken as part of a closed law enforcement investigation.

Recently, the City's Law Department had to respond to an open records request whereby the requested file included photographs of a homicide victim. Research on the issue of whether to disclose photographs of bodies of homicide victims in the context of newspaper's open records request revealed no case law specifically addressing the question. However the research did indicate that where the homicide was a matter of public interest or was the subject of a legal investigation, disclosure of pictures of the victim did not constitute an invasion of privacy. For the Atlanta Police Department, every homicide is the subject of a legal investigation so, on that basis, the requested homicide photographs were turned over to the newspaper.

However, the City of Atlanta Law Department released the photographs to the newspaper with a cover letter indicating the City's concern with the privacy rights inherent in the disclosure of such photographs. It is this issue of compassion for victims of homicide crimes and the relatives of the homicide victims that serves as the basis for this proposed amendment to the Open Records Act.

The proposed amendment would indicate:

For purposes of this subsection, photographs of bodies of homicide victims taken as part of a closed law enforcement investigation of the homicide are exempt from disclosure, unless the deceased's heirs at law specifically release the photographs. The party requesting the photographs shall have the duty of securing a release from the deceased's heirs at law.



PUBLIC WORKS

Support Legislation to Grant a Permanent Easement to the City of Atlanta for the Purpose of Authorizing Access to the Confederate Avenue Landfill for Post Closure Maintenance

Background

The Confederate Avenue Landfill is located in Southeast Atlanta. Closure of the Confederate Avenue Landfill encompasses approximately 21 acres. Less than two (2) acres are owned by the City of Atlanta. The remaining acreage is owned by the State of Georgia. This property is commonly referred to as the Georgia National Guard Armory. The City utilized the site for the disposal of its construction and demolition waste and assumed the responsibility for closure of the site.

Under the provision outlined in Chapter 391-3-4-12 (2) Post Closure Care of the Rules of Georgia Department of Natural Resources' Environmental Protection Division (EPD), EPD has informed the City that it must have access to the landfill property for post closure maintenance for a minimum of 30 years.

To expedite closure certification approval, the State Properties Commission and the EPD have jointly drafted a Revocable Agreement, which grants temporary access to the City of Atlanta on the Georgia National Guard site for the purpose of performing post closure maintenance. A permanent easement authorizing this access is desirable and will require the approval of the 2001 Georgia General Assembly.

The State Properties Commission has agreed to initiate the legislation granting the permanent easement. Therefore, the City of Atlanta supports the legislation to grant the permanent to the City for the purpose of providing access to the landfill property for post closure maintenance.



REVENUE ENHANCEMENT

Commercial Paper Authorization

Proposal:

Authorization for local governments in Georgia to issue "commercial paper" and execute "derivative contracts" to help finance capital improvement projects in the interim prior to long-term debt issuance.

Background:

Commercial paper is an innovative and flexible short-term financing tool, used currently by private corporations and local governments in other states including Maryland, Virginia, and most recently, the State of Tennessee. Commercial paper is short-term debt used primarily for working capital, acquisition and project financing. Commercial paper debt may be paid off at the convenience of the issuer, i.e., usually after permanent financing has been secured at the lowest cost available. The maturity for commercial paper can extend from 1 to 270 days (9 months) and is generally rolled over in a variable rate interest mode, thereby offering the issuer a great deal more flexibility.

Derivatives are contracts that are derived from some underlying asset, reference rate or index, including interest rates, foreign exchange rate, other fixed income instruments and commodities. The four most common types of financial derivatives are swaps, forwards, futures and options. If this proposal is enacted by the General Assembly, local governments would only be able to issue commercial paper and derivatives in anticipation of a legally authorized bond issue. The proceeds of the commercial paper issue could not be used for operating purposes.

If the State gives the authority to issue these types of negotiable instruments, it could be restricted to revenue fund operations. (i.e. those agencies which operate from it's own self-generating enterprise funds). Examples in the City of Atlanta would be the Airport, Water and Sewer divisions. Hartsfield International Airport has a 1 Billion dollar, 10-15 year MasterPlan project that it is currently operating. Likewise, the City's Water/Sewer department has a 2 Billion dollar Capital Improvement Program. It also has the unique challenge of meeting so many State mandates, that it could really benefit from this same flexibility in financing these projects.

Although municipalities in Georgia are not permitted by State law to issue commercial paper, separate authorities within the State, such as the Municipal Electric Authority of Georgia (MEAG) have already taken advantage of the commercial paper market. Revenue issuers, such as airports and water and sewer systems, with large capital programs are the primary users of commercial and derivatives, given its low cost and flexibility. Examples of airports that have issued commercial paper include San Francisco, San Diego, Orlando and Indianapolis. With such large airport capital programs across the country, there are many other airports contemplating the use of commercial paper. Los Angeles Airport is currently considering a \$500 million commercial paper issuance to start its capital improvement program and Dallas Fort Worth Airport has amended its bond ordinance to provide for the ability to issue commercial paper which is already legally permitted in the State of Texas.

Benefits To Atlanta:

This temporary financing would allow the City to proceed with critical projects during periods of fluctuating interest rates, with the opportunity to find the most cost-effective permanent financing in the future while taking into consideration the prevailing interest rates. Therefore, critical projects would be completed more quickly and at the lowest possible financing costs.



REVENUE ENHANCEMENT

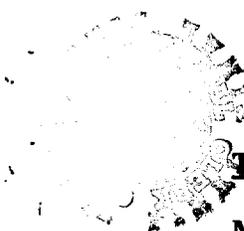
Amend State law so as to increase the maximum annual license fee for the sale of alcoholic beverages from current limit of \$5,000 to new limit or cap of \$10,000.

Background:

The maximum annual license fees for the sale of alcoholic beverages have not increased since 1965. However, each year, the cost of investigating, regulating, and enforcing the sale of alcoholic beverages by local governments has steadily increased. The City of Atlanta has a duty to help ensure the continued health, safety and welfare of its citizens. It is necessary, therefore, to raise the limit of the annual alcohol beverage license fees.

If approved, this amendment would allow municipalities and/or counties to increase the limit or cap on the amount of excise taxes, which may be charged for an annual alcohol license fee. The current limit of \$5,000 set forth by the State of Georgia during the 1965 General Assembly is no longer financially practical, due to the increased cost of monitoring alcohol beverage sales.

This amendment proposes to provide that the annual license fees to be charged by a municipality or county shall not be more than \$10,000 for manufacturers, not more than \$10,000 for wholesalers, and not more than \$10,000 for retailers.



TAXES

MARTA Tax

Exclude MARTA Tax from State imposed 2% local option sales tax cap.

Background:

Fulton and Dekalb Counties are the only counties in the State pre-empted from levying both a one percent local option sales tax for property tax reduction, and a 1% local option sales tax for capital improvements.

Current State Law sets a 2% cap on total local option sales tax levies. Atlanta and Fulton County currently collect 1% for MARTA and 1% for the local option sales tax dedicated to property tax reduction.

Since Atlanta is-at the current 2% cap, it is prohibited from giving the voters and opportunity to approve the 1% local option tax dedicated for specific capital improvement projects or any additional one percent local option tax that may be authorized by future General Assemblies. The capital improvement local option tax (also called a SPLOST) must be approved by a majority vote in a countywide voter referendum and is limited to a maximum of five years to pay for specific capital improvement and infrastructure projects.

Fulton County and Dekalb County, and the municipalities within these counties, have been placed at a disadvantage because of their support of a mass transit system (MARTA). Inclusion of the MARTA tax in the 2% local option cap may also dissuade other surrounding counties from joining MARTA as they may have to forego existing revenue streams to join the MARTA system. For example, Cobb County currently collects both the 1-% local option sales taxes dedicated to property tax abatement and the 1-% local option sales tax for capital improvements (SPLOST). If the MARTA penny was removed, it would be feasible for Cobb, as well as other counties to support the MARTA system.

Benefits to Atlanta:

Exempting the MARTA Tax from the State's two percent cap would enable (but not require) the City to institute additional local option levies. It would free up a penny and give the City additional revenue flexibility. It may also encourage more jurisdictions to support the MARTA system, since it would create a specific exemption applicable only to counties where the MARTA Tax is imposed.

The State is not limited from offering new local option sales tax menu items to local governments. If the amendment passes, the City would now be eligible to benefit from the local option capital improvement tax. Considering the current distribution of LOST, we estimate that approximately \$76 million could be generated on an annual basis to address critical infrastructure or other capital improvement needs. The City would not plan to implement a 1% SPLOST, if authorized, until the existing school SPLOST has expired in 2002.



TAXES

Amend State Law to provide for the Fulton County Tax Office to assess and collect City of Atlanta property taxes citywide.

Background:

This proposal seeks to return the Atlanta/DeKalb tax assessment and tax collection function to Fulton County. Restoring the responsibility for the assessment and collection of property taxes back to Fulton County will resolve the issue of “uniformity of assessment” for those properties located in the City of Atlanta in DeKalb.

An additional amendment to the State law may be required to concur with this proposed amendment.

RCS# 2318
10/16/00
6:39 PM

Atlanta City Council

Regular Session

00-R-1646

Amend Resol. urging '01 GA Gen Assem to
support City's 2001 Legislative Package
ADOPT AS AMEND

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 1
ABSENT 1

| | | | |
|-----------|-----------|-----------|-------------|
| Y McCarty | Y Dorsey | Y Moore | Y Thomas |
| Y Starnes | Y Woolard | B Martin | Y Emmons |
| NV Bond | Y Morris | Y Maddox | E Alexander |
| Y Winslow | NV Muller | Y Boazman | NV Pitts |

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