

A RESOLUTION

02-R-0038

BY H. LAMAR WILLIS

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO HIRE HUNTON & WILLIAMS AS PRIVATE COUNSEL FOR AN AMOUNT NOT TO EXCEED \$50,000, TO PROVIDE ALL LEGAL SERVICES NECESSARY TO PURSUE A REQUEST FOR A PRIVATE LETTER RULING FROM THE INTERNAL REVENUE SERVICE REGARDING THE CITY'S ABILITY TO REFUND OUTSTANDING SERIES 1994A AND SERIES 1996 AIRPORT REVENUE BONDS, WITH THE COSTS THEREOF TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H27 529009 T31001; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta, as owner and operator of Hartsfield Atlanta International Airport ("Airport"), has undertaken a major expansion of the Airport to accommodate the increasing air traffic at the airport, including construction of an additional runway, expansion of Concourse E and creation of a consolidated rental car facility; and

**WHEREAS**, in connection with the expansion of the Airport, the City issued Airport Revenue Bonds, Series 2000, a portion of the proceeds of which is being used to fund such expansion; and

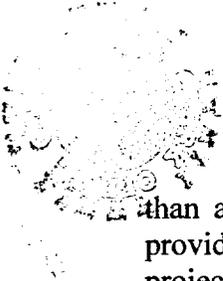
**WHEREAS**, the City also used a portion of the Series 2000 Bonds proceeds to refund all of the outstanding Airport Revenue Bonds it could then refund; and

**WHEREAS**, the City and Hunton & Williams served as Co-Bond Counsel for the issuance of the Airport Revenue Bonds, Series 2000. As Co-Bond Counsel, the City and Hunton & Williams determined that the City could not refund certain remaining portions of the Series 1994A and Series 1996 Airport Revenue Bonds without first obtaining a private letter ruling from the Internal Revenue Service ("IRS"); and

**WHEREAS**, the benefit to the City from obtaining the private letter ruling is that a favorable IRS ruling would enable the City to finance the Airport expansion projects utilizing the flexibility provided under the amended and supplemented airport bond ordinance. This flexibility cannot be utilized until the Series 1994A and Series 1996 Bonds have been refunded; and

**WHEREAS**, it is in the City's best interest to have as much flexibility as possible in financing its airport expansion projects; and

**WHEREAS**, in connection with the Series 2000 Bonds, the City hired Hunton & Williams to pursue a request for the private letter ruling, as Hunton & Williams was well versed in the legal issues related to the amended bond ordinance and the tax issues related to the potential refunding; and

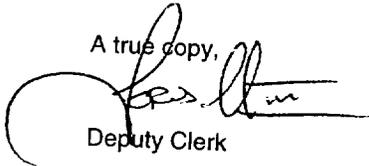


**WHEREAS**, because the process of obtaining the ruling has taken significantly longer than anticipated, and the IRS has made significant requests for additional information to be provided regarding the tax issue, requiring Hunton & Williams to expend more time on this project than expected, and because the IRS has additionally requested that Hunton & Williams and the Department of Aviation attend a meeting in the District of Columbia regarding this issue in mid January, it is now anticipated that Hunton and Williams' attorney's fees regarding the IRS ruling will be greater than \$50,000.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF ATLANTA, GEORGIA**, that the City Attorney or Acting City Attorney is hereby authorized to engage the services of Hunton & Williams to provide all legal services necessary to pursue the private letter ruling from the Internal Revenue Service regarding the City's ability to refund the Series 1994A and Series 1996 Airport Revenue Bonds, and that said service by Hunton & Williams shall be in an amount not to exceed \$50,000; and

**BE IT FINALLY RESOLVED** that the cost to the City under said Agreement shall be charged to and paid from Fund Account Center No. 2H27 529009 T31001.

A true copy,



Deputy Clerk

**ADOPTED** as amended by the Council  
**APPROVED** by the Mayor

JAN 22, 2002  
JAN 29, 2002

RCS# 3405  
1/22/02  
1:28 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1 through 9

**SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA**

ADOPT

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT

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**01/22/02 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 02-O-0085
2. 02-R-0003
3. 02-R-0007
4. 02-R-0008
5. 02-R-0009
6. 02-R-0036
7. 02-R-0038
8. 02-R-0010
9. 02-R-0031
10. 02-R-0032
11. 02-R-0033
12. 02-R-0034
13. 02-R-0094
14. 02-R-0095
15. 02-R-0096
16. 02-R-0097

**ITEMS ADVERSED ON  
CONSENT AGENDA**

17. 02-R-0011
  18. 02-R-0012
  19. 02-R-0013
  20. 02-R-0014
  21. 02-R-0015
  22. 02-R-0016
  23. 02-R-0017
  24. 02-R-0018
  25. 02-R-0019
  26. 02-R-0020
  27. 02-R-0021
  28. 02-R-0022
  29. 02-R-0023
  30. 02-R-0024
  31. 02-R-0025
  32. 02-R-0026
  33. 02-R-0027
  34. 02-R-0028
  35. 02-R-0029
  36. 02-R-0030
  37. 02-R-0098
  38. 02-R-0099
  39. 02-R-0100
  40. 02-R-0101
  41. 02-R-0102
  42. 02-R-0103
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02-R-0038

(Do Not Write Above This Line)

A RESOLUTION

BY H. LAMAR WILLIS

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO HIRE HUNTON & WILLIAMS AS PRIVATE COUNSEL FOR AN AMOUNT NOT TO EXCEED \$80,000.00 TO PROVIDE ALL LEGAL SERVICES NECESSARY TO PURSUE A REQUEST FOR A PRIVATE LETTER RULING FROM THE INTERNAL REVENUE SERVICE REGARDING THE CITY'S ABILITY TO REFUND OUTSTANDING SERIES 1994A AND SERIES 1996 AIRPORT REVENUE BONDS, WITH THE COSTS THEREOF TO BE CHARGED TO AND PAID FROM FUND ACCOUNT CENTER NO. 2H27 529009 T31001; AND FOR OTHER PURPOSES.

ADOPTED BY  
JAN 2 2 2002

COUNCIL

AS AMENDED

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

Date Referred 1/7/02

Referred To: Finance/Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred to \_\_\_\_\_

Committee Fin/Exec  
 Date 1/16/02  
 Chair William W. Morris  
 Action: Fav. Adv. Hold (see rev. side)  
 Other: as amended  
 Members Mayor Williams, C.T. Anderson, Devin M. Starks, Clair Muller  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

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

CERTIFIED

CERTIFIED  
JAN 2 2 2002

ATLANTA CITY COUNCIL PRESIDENT

*Catherine W. Woodard*

CERTIFIED  
JAN 2 2 2002

*Paula Johnson*  
CLERK

MAYOR'S ACTION  
APPROVED

JAN 29 2002

*Shirley Franklin*  
MAYOR