

**CITY COUNCIL
ATLANTA, GEORGIA**

**A RESOLUTION
BY ATLANTA CITY COUNCIL**

04-R-0884

A REFERENDUM RESOLUTION TO IMPOSE A SPECIAL ONE PERCENT SALES AND USE TAX TO FUND WATER AND SEWER PROJECTS AND COSTS, SUBJECT TO REFERENDUM APPROVAL; TO REGULATE AND PROVIDE FOR THE CALLING OF AN ELECTION AND TO CALL AN ELECTION TO DETERMINE THE IMPOSITION OR NON-IMPOSITION OF THE SALES AND USE TAX; TO SPECIFY THE AGGREGATE MAXIMUM COST OF SUCH PROJECTS AND MAINTENANCE AND OPERATION COSTS TO BE FUNDED BY THE SALES AND USE TAX; TO SPECIFY THE MAXIMUM PERIOD OF TIME THE SALES AND USE TAX WILL BE IMPOSED; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Atlanta (the "Council") is the governing authority of the City of Atlanta (the "City"), a municipal corporation created and existing under the laws of the State of Georgia, and is charged with the duties of levying taxes, contracting debts, and managing the affairs of the City; and

WHEREAS, an Act of the General Assembly of the State of Georgia, designated House Bill 709, Section 7 of which became effective on April 23, 2004, added a new Article 4 to Chapter 8 of Title 48 of the Official Code of Georgia Annotated; and

WHEREAS, the average waste-water flow of the City's sewer system is not less than 85 million gallons per day; and

WHEREAS, on April 27, 2004, the Council delivered to Fulton County, Georgia (the "County") a written copy of a resolution of the Council calling for the imposition by the County of the tax under Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, pursuant to Section 48-8-111(a)(1)(D) of the Official Code of Georgia Annotated for the purposes of water and sewer projects and costs; and

WHEREAS, the County acted on the Council's resolution described above on May 5, 2004, and timely notice of such action to decline to call the requested referendum was provided to the City within ten (10) days following the date of delivery of the Council's resolution to the County; and

WHEREAS, it appears to the Council that the most feasible plan for funding a portion of the City's water and sewer projects and costs is to impose a special one percent sales and use tax pursuant to Article 4 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated; and

WHEREAS, under Article 4 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, it is necessary to submit to the qualified voters of the City the question of whether or not a special one percent sales and use tax should be imposed to fund water and sewer projects and costs;

NOW, THEREFORE, The City Council of the City of Atlanta, Georgia, hereby resolves as follows:



Section 1. There is hereby imposed within the City a special sales and use tax at the rate of one percent, pursuant to Article 4 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, subject to approval by a majority of the qualified voters residing within the corporate limits of the City voting in the referendum called in Section 2 hereof, for a maximum period of time of 16 calendar quarters, for the purposes of funding water and sewer projects and costs, at the aggregate maximum cost of \$750,000,000.

Section 2. There is hereby authorized to be called and there is hereby called an election to be held in all the precincts in the City, on the 20th day of July 2004, for the purpose of submitting to the qualified voters of the City the question of whether or not a special one percent sales and use tax should be imposed within the City, for a maximum period of time of 16 calendar quarters, for the purposes of funding water and sewer projects and costs, at the aggregate maximum cost of \$750,000,000.

Section 3. The ballot to be used in the election shall have printed thereon the question to be determined by the voters, to-wit:

“Shall a special 1 percent sales and use tax be imposed in the City of Atlanta for a period of time not to exceed 16 calendar quarters and for the raising of not more than \$750,000,000 for the purpose of funding water and sewer projects and costs?”

The ballot shall have printed thereon the word “YES” and the word “NO” in order that each voter may vote in either the affirmative or the negative as to the question propounded. The polls in each of the precincts within the City shall be opened at 7:00 a.m. and closed at 7:00 p.m. on the day fixed for the election, and the election shall be held at the regular and established places for holding elections in the City. The election shall be held in accordance and in conformity with the Constitution and laws of the United States of America and of the State of Georgia.

Section 4. The Fulton County Board of Elections and Registration is hereby appointed as the Municipal Election Superintendent to conduct the election, to receive from poll officers the returns of the election, to canvass and compute such returns, to certify as soon as practicable following the election the results thereof to the Council, and to take such other actions in the premises as provided by law.

Section 5. The Municipal Clerk is hereby ordered and directed forthwith to furnish the Municipal Election Superintendent of the City with a duly certified copy of this resolution in order that the Municipal Election Superintendent may take such action in the premises as provided by law.

Section 6. The following notice shall be incorporated into the call of the election by the Municipal Election Superintendent:



NOTICE OF SALES AND USE TAX ELECTION

TO THE QUALIFIED VOTERS OF THE CITY OF ATLANTA

YOU ARE HEREBY NOTIFIED that on the 20th day of July 2004, an election will be held in all of the precincts of the City of Atlanta (the "City"). At the election there will be submitted to the qualified voters of the City for their determination the question of whether or not a special one percent sales and use tax should be imposed within the City, for a maximum period of time of 16 calendar quarters, for the purposes of funding water and sewer projects and costs, at an aggregate maximum cost of \$750,000,000.

Voters desiring to vote for the imposition of such sales and use tax shall do so by voting "YES" and voters desiring to vote against the imposition of such sales and use tax shall do so by voting "NO," as to the question propounded, to-wit:

"Shall a special 1 percent sales and use tax be imposed in the City of Atlanta for a period of time not to exceed 16 calendar quarters and for the raising of not more than \$750,000,000 for the purpose of funding water and sewer projects and costs?"

The several places for holding the election shall be in the regular and established precincts of the City, and the polls will be open from 7:00 a.m. to 7:00 p.m. on the date fixed for the election. Those qualified to vote at the election shall be determined in all respects in accordance and in conformity with the Constitution and laws of the United States of America and of the State of Georgia.

The last day to register to vote in this special election is June 21, 2004, through 5:00 p.m.

This notice is given pursuant to joint action of the City Council of the City and the Municipal Election Superintendent of the City.

CITY OF ATLANTA

By: Rhonda Daughtrie Johnson
Municipal Clerk

**MUNICIPAL ELECTION SUPERINTENDENT
OF CITY OF ATLANTA**

**BY: FULTON COUNTY BOARD OF
ELECTIONS AND REGISTRATION**

By: _____
Elections Supervisor



Section 7. Any and all resolutions in conflict with this resolution this day passed be and they are hereby repealed.

PASSED, ADOPTED, SIGNED, APPROVED, AND EFFECTIVE this 7th day of May 2004.

CITY OF ATLANTA

(SEAL)

By: *Wayne I. Ford*
Mayor

Attest:

Rhonda Daughin Johnson
Municipal Clerk

A true copy,
Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

May 7, 2004
May 7, 2004

RCS# 5704
5/07/04
12:21 PM

Atlanta City Council

Regular Session

04-R-0884

REFERENDUM IMPOSE SPEC 1% SALES USE TAX
WATER/SEWER, PROVIDE CALLING OF ELECTION
ADOPT

YEAS: 9
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 4

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

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(Do Not Write Above This Line)

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ADOPTED BY
MAY 7 2004

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

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

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

CERTIFIED

CERTIFIED
MAY 7 2004

Adopted COUNCIL PRESIDENT PROTREM

Paul Howard

CERTIFIED
MAY 07 2004

Rod Dugan Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAY 07 2004

Mark E. Harris
MAYOR