

A RESOLUTION

BY

Dem Starns

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO EXECUTE A RETAINER AGREEMENT WITH THE LAW FIRMS OF KUTAK ROCK LLP AND GEORGE HOWELL & ASSOCIATES TO SERVE AS BOND COUNSEL AND DISCLOSURE COUNSEL TO THE CITY OF ATLANTA IN CONNECTION WITH THE ISSUANCE OF CERTAIN TAX ALLOCATION DISTRICT BONDS; TO AUTHORIZE THE CITY ATTORNEY TO ENGAGE SAID FIRMS TO SERVE AS BOND COUNSEL AND DISCLOSURE COUNSEL IN CONNECTION WITH THE ISSUANCE OF CERTAIN TAD BONDS FOR THE PERRY BOLTON AND EAST SIDE TAX ALLOCATION DISTRICTS; TO AUTHORIZE THE CHIEF FINANCIAL OFFICER TO PAY FEES AND COSTS FOR LEGAL SERVICES RENDERED PURSUANT TO SAID AGREEMENTS; TO RESCIND CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.

WHEREAS, the Redevelopment Powers Law (O.C.G.A. § 36-44-1 et seq.) provides for the establishment of redevelopment powers and the creation of redevelopment plans and tax allocation districts by counties and municipalities in the State of Georgia; and

WHEREAS, the City of Atlanta has authorized the issuance of approximately \$40,000,000.00 in Tax Allocation District (hereinafter "TAD") bonds to implement provisions of the Redevelopment Plans as adopted by the Council of the City of Atlanta and approved by the Mayor; and

WHEREAS, Section 2-991 of the Code of Ordinances for the City of Atlanta provides certain procedures for the selection and recommendation of Bond Counsel for the City of Atlanta to the Atlanta City Council in connection with the issuance of City bonds; and

WHEREAS, the City Attorney has determined that there is a need for bond and disclosure counsel in the issuance of the TAD bonds; and

WHEREAS, the City Attorney has solicited written proposals from qualified law firms in the City of Atlanta to serve as Bond Counsel for the city in connection with the issuance of various TAD bonds for the period of two years with an option of exercising a two year renewal; and

WHEREAS, the law firms of Kutak Rock and George Howell & Associates submitted proposals to serve as Bond Counsel for the City in connection with TAD bond issues, and the City Attorney, in consultation with the Chief Financial Officer, recommends the law firms of Kutak Rock LLP and George Howell & Associates to serve as Bond Counsel and Disclosure Counsel to the City in connection with the issuance of the TAD bonds.

NOW THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA



HEREBY RESOLVES as follows:

Section 1. That the City Attorney is hereby authorized to execute a retainer agreement with the law firms of Kutak Rock LLP and George Howell & Associates to serve as Bond and Disclosure Counsel, for a period of two years with an option of exercising a two year renewal, to the City of Atlanta in connection with various TAD bond issues and specifically for the issuance of approximately \$40,000,000.00 in Tax Allocation District Bonds for the Perry Bolton and East Side Tax Allocation Districts.

Section 2. That the Chief Financial Officer is hereby authorized to remit payment of all legal fees, expenses, and costs due for legal services rendered by Kutak Rock LLP and George Howell & Associates in connection with said TAD bond issues, such amounts to be paid from the proceeds of the TAD bond issues; provided that the legal fees authorized herein shall not exceed the sum of \$70,000.00, plus actual expenses, for each transaction, incurred by Kutak Rock and George Howell & Associates.

Section 3. That all resolutions and parts of resolutions in conflict herewith are hereby rescinded.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

FEB 16, 2004
FEB 24, 2004

RCS# 5445
2/16/04
7:20 PM

Atlanta City Council

Regular Session

04-R-0242

RETAINER AGRMNT KUTAK ROCK AND GEORGE
HOWELL & ASSO BOND/DICLO COUNSEL
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

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

04-R-0242

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(Do Not Write Above This Line)

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Rosalind Rubens Newell
ROSALIND RUBENS NEWELL,
DEPUTY CITY ATTORNEY

ADOPTED BY
FEB 16 2004

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

COUNCIL

Date Referred 02/02/04

Referred To: Finance / Executive

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

FIN Committee
2/2/04

Chair *John G. Ryan*

Action *Fav, Adv, Hold (see rev. side)*
Other _____

Members

John G. Ryan
Paul S. Smith

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

Committee

Date

Chair

Action *Fav, Adv, Hold (see rev. side)*
Other _____

Members

Refer To

Refer To

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

Revised by Request of Cde Stover

CERTIFIED
FEB 16 2004

Approved by Council

CERTIFIED
FEB 16 2004

Rosalind Rubens Newell
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
Michael B. Stover
MAYOR