

**AN ORDINANCE  
BY FINANCE/ EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE CHIEF FINANCIAL OFFICER TO AMEND THE 2008 WATER AND WASTEWATER BUDGET, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$500,000.00) BY TRANSFERRING FUNDS FROM 2J25 (1997 WATER & WASTEWATER BOND FUND) 791001 (RESERVE FOR APPROPRIATIONS) T11001 (RESERVE OF FUND APPROPRIATIONS) TO 2J25 (1997 WATER & WASTEWATER BOND FUND) 729023 (ARBITRAGE REBATE) T31001 (UNALLOCATED FUND WIDE EXPENSES), TO PAY 2007 ARBITRAGE REBATE DUE ON 2J25 (1997 WATER & WASTEWATER BOND FUND); AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Section 148(f) of the Internal Revenue Code of 1986, as amended ("Code"), the excess of the amount on certain investments related to tax exempt bonds, over the amount that would have been earned on those investments if they were invested at a rate equal to the yield on the related tax-exempt bonds plus any income attributable to such excess ("hereinafter the Excess Earnings") must be rebated to the United States Government, together in certain circumstances when the amount of Excess Earnings is not timely rebated to the United States Government, with interest and penalties thereon; and

**WHEREAS**, pursuant to the Bond Ordinance the City agreed to cause the amount of Excess Earnings (including interest and penalties, if any, thereon) that must be rebated to the United States (Arbitrage Rebate) to be periodically calculated and set aside in a special fund ("Rebate Fund") established under Article XVI of the Bond Ordinance and further agreed to cause the Arbitrage Rebate to be paid to the United States Government, as required under Section 148(f) of the Internal Revenue Code; and

**WHEREAS**, the City caused the amount of Arbitrage Rebate payable with respect to the Bonds to be periodically calculated in order to comply with its Arbitrage Rebate obligation; and

**WHEREAS**, the City completed the 2007 Arbitrage Rebate calculation and concluded the amount owed to the United States Government is \$500,000.00; and

**WHEREAS**, it is in the best interests of the City and the City's Water and Wastewater Bond Fund to now appropriate funds to cover the payment of the Arbitrage Rebate to the United States Internal Revenue Service.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**SECTION 1:** That the Fiscal Year 2008 Water and Wastewater Budget be and is hereby amended as follows:

**TRANSFER FROM APPROPRIATIONS**

2J25 791001 T11001 1997 Water & Wastewater Bond Fund	\$500,000.00
Reserve for Appropriations	
Reservation of Fund Appropriations	

**TRANSFER TO APPROPRIATIONS**

2J25 729023 T31001 1997 Water & Wastewater Bond Fund	\$500,000.00
Arbitrage Rebate	
Unallocated Fund Wide Expenses	

**SECTION 2:** That the Chief Financial Officer be and hereby authorized to cause the necessary Arbitrage Rebate to be paid to the United States Internal Revenue Service, in an amount not to exceed \$500,000.00, to be charged to and paid from fund, account, and center number 2J25 (1997 Water & Wastewater Bond Fund) 529023 (Arbitrage Rebate) T31001 (Unallocated Fund Wide Expenses)

**SECTION 3:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.