

**10-R-2135**

(Do Not Write Above This Line)

**A RESOLUTION BY FINANCE/ EXECUTIVE COMMITTEE**

A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO UTILIZE FUNDS IN THE AMOUNT NOT TO EXCEED \$8,500,495.72 RECEIVED BY THE CITY OF ATLANTA AS SETTLEMENT OF ALL CLAIMS IN THE CASE OF CITY OF COLLEGE PARK V. CITY OF ATLANTA AND CITY OF ATLANTA AND FULTON COUNTY RECREATION AUTHORITY TO HELP FUND THE ATLANTA STREETCAR PROJECT AND OTHER PROJECTS AND PURPOSES AUTHORIZED BY APPLICABLE LAW; AND FOR OTHER PURPOSES.

ADOPTED BY

DEC 06 2010

COUNCIL

- 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:  
 Referred To:

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

First Reading

Committee Finance & Executive  
 Date 12-1-10  
 Chair [Signature]  
 Action [Signature]  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_

Refer To \_\_\_\_\_

Refer To \_\_\_\_\_

Committee \_\_\_\_\_

Committee \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Chair \_\_\_\_\_

Action \_\_\_\_\_

Action \_\_\_\_\_

Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_

Members \_\_\_\_\_

Members \_\_\_\_\_

Refer To \_\_\_\_\_

Refer To \_\_\_\_\_

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

CERTIFIED

CERTIFIED  
 DEC 06 2010

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED  
 DEC 06 2010

[Signature]  
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 14 2010

[Signature]  
 MAYOR



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BY FINANCE/ EXECUTIVE COMMITTEE**

**A RESOLUTION AUTHORIZING THE CHIEF FINANCIAL OFFICER TO UTILIZE FUNDS IN THE AMOUNT NOT TO EXCEED \$8,500,495.72 RECEIVED BY THE CITY OF ATLANTA AS SETTLEMENT OF ALL CLAIMS IN THE CASE OF CITY OF COLLEGE PARK V. CITY OF ATLANTA AND CITY OF ATLANTA AND FULTON COUNTY RECREATION AUTHORITY TO HELP FUND THE ATLANTA STREETCAR PROJECT AND OTHER PROJECTS AND PURPOSES AUTHORIZED BY APPLICABLE LAW; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta (“City”), College Park, Georgia (“College Park”) and the City of Atlanta and Fulton County Recreation Authority (“Recreation Authority”) entered into an Intergovernmental Contract dated April 26, 1996, as amended by the First Amendment to Contract dated as of December 1, 2005, pursuant to which the City and College Park agreed to levy and collect a rental car tax within their respective boundaries, a portion of the proceeds of which have been applied to secure the payment principal of, and interest on, certain revenue bonds; and

**WHEREAS**, College Park filed an action in the Superior Court of Fulton County, Georgia on May 21, 2007, styled City of College Park v. City of Atlanta and City of Atlanta and Fulton County Recreation Authority (“Lawsuit”), seeking a declaratory judgment as to the correct methodology for calculating the components of excess rental car tax collected, namely the College Park allocation and the City’s allocation of those excess rental car tax collections; and

**WHEREAS**, the City, College Park and the Recreation Authority entered into a Settlement Agreement; First Amendment To Tax Custody Agreement and Joint Direction To Tax Custodian dated February 27, 2009, pursuant to which the City agreed to accept \$1,545,107.62 in accumulated investment earnings, and \$6,207,021.83 in excess collections in full settlement of all claims against the City; and

**WHEREAS**, funds from the settlement are currently being held in a City trust account; and

**WHEREAS**, pursuant to Section 146-114 of the Atlanta City Code and Section 48-13-93 of the Official Code of Georgia, the proceeds of the car rental taxes collected by the City are to be expended (i) to promote industry trade, commerce and tourism (ii) for capital outlay projects, and (iii) for maintenance and operation expenses or security and public safety expenses associated with the aforementioned capital outlay projects; and

**WHEREAS**, the City desires to use the funds from the settlement of the Lawsuit to help fund the Atlanta Streetcar Project, which will provide a transit system that will run through the City’s



tourist and convention district, connect tourist destinations and is expected to provide a remarkable boost to the tourism industry.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY RESOLVES**, that the Chief Financial Officer is hereby authorized to utilize funds received by the City from the settlement of the Lawsuit, in an amount not to exceed \$5,600,000.00, currently held in Fund, Department Organization and Account number 7701 (Expendable Trust) 100405 (DOF Director of Billing and Collections) 5730012 (Refunds), to fund expenses related to the Atlanta Streetcar Project. Any remaining funds held in the above account shall be used for projects and purposes authorized by Section 146-114 of the Atlanta City Code and Section 48-13-93 of the Official Code of Georgia, including but not limited to the purchase of public safety equipment and other expenses associated with Philips Arena.

**BE IT FURTHER RESOLVED**, that all resolutions and parts of resolutions in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

**ADOPTED** by the Atlanta City Council  
**APPROVED** by Mayor Kasim Reed

**DEC 06, 2010**  
**DEC14, 2010**

RCS# 750  
12/06/10  
7:20 PM

Atlanta City Council

REGULAR SESSION

10-R-2135

AUTH.CFO TO SETTLE ALL CLAIMS IN CASE OF  
COLLEGE PARK V.CITY OF ATL.REC.AUTH.  
ADOPT

YEAS: 11  
NAYS: 2  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 1  
ABSENT 1

Y Smith	Y Archibong	N Moore	Y Bond
E Hall	B Wan	N Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

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