

11-R-0789

A RESOLUTION  
BY COUNCIL MEMBER FELICIA MOORE

*Felicia A. Moore*

A RESOLUTION RESCINDING RESOLUTION NUMBER 10-R-2135 ADOPTED BY THE COUNCIL ON DECEMBER 6, 2010 AND APPROVED BY THE MAYOR ON DECEMBER 14, 2010 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

JUN 06 2011

CONSENT REFER

REGULAR REPORT REFER

ADVERTISE & REFER

1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER

PERSONAL PAPER REFER

Date Referred: 05/16/2011

Referred To: Finance/Spec

Date Referred:

Referred To:

Referred To:

First Reading

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

Referred To \_\_\_\_\_

Committee  
*Finance/Executive*

Date  
*6/11/2011*

Chair  
*Moore*

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

Members  
*[Signatures]*

Refer To  
*[Signature]*

Committee \_\_\_\_\_

Date \_\_\_\_\_

Chair \_\_\_\_\_

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

Members \_\_\_\_\_

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

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

FINAL COUNCIL ACTION

2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>

Readings

Consent  V Vote  RC Vote

CERTIFIED

JUN 06 2011

ATLANTA CITY COUNCIL PRESIDENT

*[Signature]*

CERTIFIED

JUN 06 2011

*Rachel Douglas Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 15 2011

WITHOUT SIGNATURE  
BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

11-R-0789

A RESOLUTION

BY COUNCILMEMBER FÉLICIA A. MOORE

A RESOLUTION RESCINDING RESOLUTION NUMBER 10-R-2135 ADOPTED BY THE COUNCIL ON DECEMBER 6, 2010 AND APPROVED BY THE MAYOR ON DECEMBER 14, 2010 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 Administration submitted Resolution number 10-R-2135 to be added to the agenda of the Finance/Executive Committee on December 1, 2010; and

**WHEREAS**, It was stated that \$5.6 million will be used to go with the previously appropriated \$10 million match required for the Streetcar and the remainder will fund the purchase of two engines and a truck for the fire station which serves Phillips Arena, and

**WHEREAS**, The Finance/Executive Committee passed the Resolution by a vote of 3 yeas and 1 nay, and

**WHEREAS**, Resolution number 10-R-2135 was submitted to Council and adopted on December 6, 2010 by a vote of 11 yeas and 2 nays, and

**WHEREAS**, The Mayor approved Resolution number 10-R-2135 on December 14, 2010, and

**WHEREAS**, On or about the third week of April, 2011 information was distributed that provided evidence that the funds approved in Resolution number 10-R-2135 were previously spent and were not available for appropriation.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA THAT:**

**SECTION 1.** Resolution number 10-R-2135 is hereby rescinded in its entirety.

**SECTION 2.** That all Resolutions and parts of Resolutions in conflict with the terms contained herein are hereby waived to the extent of the conflict.

A true copy,  
  
Deputy Municipal Clerk

ADOPTED by the Atlanta City Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

June 06, 2011

June 15, 2011

RCS# 1077  
6/06/11  
2:28 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

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

CONSENT I



CITY COUNCIL  
ATLANTA, GEORGIA

10- R -2135

**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.**

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.

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

10-R-2135

**A SUBSTITUTE ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE CHIEF FINANCIAL OFFICER TO SUPERVISE THE EXPENDITURE OF FUNDS FOR SUBSEQUENT TRANSFERS AND ASSURE THE CLOSE OUT OF FISCAL YEAR 2009; AND FOR OTHER PURPOSES.**

WHEREAS, June 30, 2009 marked the end of the fiscal year;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**SECTION 1:** That the Mayor and the Chief Financial Officer of the City of Atlanta, Georgia, be and are hereby authorized and instructed to prepare all necessary subsequent adjustments pertaining to close out, as detailed in exhibit A and to supervise the expenditures of the Departments of the City throughout the fiscal year that ended on June 30, 2009; to see that all vendors shall be paid for goods and services rendered on behalf of the City, and that funds to cover such expenditures shall be transferred as required from the accounts of the Department incurring such expense in the normal and appropriate manner; or, if in their judgment, said funds are not available from the accounts of the Department incurring such expense, said funds may be transferred from savings within the fund, or from fund balance.

**SECTION 2:** That the Chief Financial Officer shall prepare and submit to the Mayor, the Finance/Executive Committee and all other members of Council a report, referenced and attached as exhibit A, summarizing the ending fund balance of the general fund within twenty (20) days of the occurrence of subsequent transactions necessary to finalize closeout.

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

A true copy

*Phonda Daughkin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Shirley Franklin

DEC 07, 2009  
DEC 15, 2009



**EXHIBIT A**

**FY09 CLOSEOUT ADJUSTMENTS**

**OPERATING TRANSFERS NOT IN ORIGINAL BUDGET**

**SECTION #1: Transfers In**

<b>Transfer from Fiduciary Fund</b>		
Use of car rental proceeds per legislation	✱ \$	7,752,129 ✱
<b>Transfer from Nonmajor Governmental Fund</b>		
Net operating income, after payment to GWCC/GA		11,456,838
Dome, from Hotel/Motel Tax Fund		
<b>Transfer for Radio Comm Upgrade and Rebanding Project</b>		
Department of Aviation		2,115,915
Department of Watershed Management - increase over anticipation		542,456
<b>Change in Authorized Transfers</b>		
Solid Waste less than anticipated	\$	(464,013)
<b>Reserve Fund Adjustment due to Transfers In</b>	\$	<u>21,403,325</u>

**SECTION #2: Transfers Out**

<b>Transfer to Department of Watershed Management</b>		
Maintenance performed on stormwater basins during 2009	\$	(1,437,738)
<b>Transfer to Capital Projects Fund</b>		
GMA loan principal and loan payments	\$	(6,052,361)
<b>Change in Authorized Transfers</b>		
Intergovernmental less than anticipated	\$	81,790
<b>Reserve Fund Adjustment due to Transfers Out</b>	\$	<u>(7,408,309)</u>

**RESULTS OF OPERATIONS**

**SECTION #3:**

<b>Shortfall in Fiscal Year 2009 Revenues</b>		
Actual FY09 Revenue	454,963,961	
Anticipations	<u>(561,107,075)</u>	\$ (106,143,114)
<b>Surplus in Budgeted Expenses</b>		
Actual FY09 Expenses	450,522,690	
Fiscal Year 2009 Appropriations (excluding Reserve)	<u>527,193,590</u>	\$ 76,670,901
<b>Reserve Fund Adjustment due to Operations</b>		\$ (29,472,213)

**GENERAL FUND RESTRICTED RESERVE SUMMARY:**

<b>FY09 ADOPTED RESERVE</b>		\$ 28,542,510
<b>ADJUSTMENTS:</b>		
Final 2009 Budget Adopted with loss	(5,365,055)	
SECTION 1: OPERATING TRANSFERS IN	21,403,325	
SECTION 2: OPERATING TRANSFERS OUT	(7,408,309)	
SECTION 3: REDUCTION FOR OPERATIONS	<u>(29,472,213)</u>	
<b>ADJUSTED FY09 RESERVE (should match change in 2009 Fund Balance)</b>		<u>\$ 7,700,258</u>
Allocation to Capital Fund per Section 6-302(f)		\$ 1,925,064
Allocation to Catastrophic Reserve per Section 6-302(f)		<u>\$ 5,775,193</u>
		<u>\$ 7,700,258</u>

**EXHIBIT A**

**FY09 CLOSEOUT ADJUSTMENTS**

---

**FISCAL YEAR 2009 FUND BALANCE SUMMARY**

---

Fiscal Year 2009 Revenues	\$ 454,963,961
Fiscal Year 2009 Expenditures	456,908,535
Fiscal Year 2009 Other Financing Sources	9,644,832
Fiscal Year 2009 Change in Fund Balance	<u>\$ 7,700,258</u>
Fiscal Year 2008 Audited Fund Balance	\$ 10,130,000
Fiscal Year 2009 Change in Fund Balance	7,700,258
Fiscal Year 2009 Fund Balance	<u>\$ 17,830,258</u>

10-R-2135

(Do Not Write Above This Line)

**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:  
Date Referred  
Referred To:

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

First Reading

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 \_\_\_\_\_

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 Reading
- 1st & 2nd Reading
- 5th Reading
- Consent
- V. Vote
- R. Vote

CERTIFIED

DEC 06 2010

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
DEC 06 2010  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 14 2010

MAYOR

Journal	10 4340JE Transfer USD 29 JUN 10		Conversion		Status		
Period	ADJ1-2010	Effective Date	29 JUN 2010	Currency	USD	Posting	Posted
Category	Transfer	Source	Manual	Date	29 JUN 2010	Funds	Passed
Balance Type	Actual	Budget		Type	User	Approval	Approved
Reference Date				Rate			
Description	Rec Oper Tran of Car Rental Rev from Trust Fd to Gen Fd to R			Reverse		Method	Switch Dr/Cr
Reference	Ord 96-0-0774 Section 146-113c			Date		Status	Not Reversed
Clearing Company		Control Total		Period			

  

Line	Account	Debit (USD)	Credit (USD)	Description
1	1001.000002.3912037.0000000.000000.0		748,366.27	Rec Oper Tran of Car Rental Rev from Trust Fd to Gen Fd to
2	7701.200301.6110001.1540000.600115.6	748,366.27		Rec Oper Tran of Car Rental Rev from Trust Fd to Gen Fd to
3	9001.000001.1221002.0000000.000000.0		748,366.27	Interfund line added by Posting
4	9001.000001.1221002.0000000.000000.0	748,366.27		Interfund line added by Posting
5	1001.000001.1113301.0000000.000000.0	748,366.27		Interfund line added by Posting
6	7701.000001.1113301.0000000.000000.0		748,366.27	Interfund line added by Posting
		2,245,098.81	2,245,098.81	

Account Description  
GENERAL FUND.DEFAULT / REVENUE DEPARTM.OPER TRANSF FRM FUND 7701.DEFAULT / BALANCE SHEET.DEFAULT.DEFAULT.DEFAULT.DEFAULT

Line Drilldown | T-Accounts

RCS# 3471  
12/07/09  
4:01 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

09-O-2055,09-R-2189,09-O-1876

ADOPT EXCEPT

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

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

CONSENT I

09-0-2006

(Do Not Write Above This Line)

AN ORDINANCE BY  
FINANCE/EXECUTIVE  
COMMITTEE

AN ORDINANCE AUTHORIZING THE  
MAYOR AND THE CHIEF  
FINANCIAL OFFICER TO  
SUPERVISE THE EXPENDITURE OF  
FUNDS FOR SUBSEQUENT  
TRANSFERS AND ASSURE THE  
CLOSE OUT OF FISCAL YEAR 2009;  
AND FOR OTHER PURPOSES:

ADOPTED BY  
DEC 07 2009  
COUNCIL

SUBSTITUTE

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

Date Referred 11/10/09

Referred To: Finance, Exec.

Date Referred

Referred To:

Date Referred

Referred To:

First Reading  
Committee Finance Executive Committee  
Date 11-9-09  
Chair James J. ...  
Referred To Finance Executive Committee

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

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

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

CERTIFIED

CERTIFIED  
DEC 07 2009  
MAYOR'S ACTION

MAYOR'S ACTION

*Handwritten signature*