

11-0-1565

(Do Not Write Above This Line)

AN ORDINANCE BY:
FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE TRANSFER OF DEBT SERVICE RESERVE FUNDS FROM CERTAIN WATER AND WASTEWATER BOND FUNDS TO THE WATER AND WASTEWATER SINKING FUND FOR THE PURPOSE OF COMPLYING WITH THE DEBT SERVICE RESERVE REQUIREMENT SPECIFIED IN THE MASTER BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MARCH 31, 1999; AND FOR OTHER PURPOSES.

NOV 2 1 2011

COUNCIL
Substitute

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

Date Referred 11/7/11

Referred To: Finance/Exec

Date Referred

Referred To:

Date Referred

Referred To:

470187-1

First Reading
Committee Date 11/9/11
Chair J. Brown
Referred To Finance/Executive

Committee Finance/Exec
Date 11-16-11
Chair J. Brown
Action Fav, Adv, Hold (see rev. side)
Other Other

Members
Refer To

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

Refer To

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

CERTIFIED
NOV 2 1 2011

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
NOV 2 1 2011

Rick Douglas
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 30 2011

WITHOUT SIGNATURE
BY OPERATION OF LAW



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

11-O-1565

A SUBSTITUTE ORDINANCE AUTHORIZING THE TRANSFER OF DEBT SERVICE RESERVE AND CAPITALIZED INTEREST FUNDS FROM CERTAIN WATER AND WASTEWATER BOND FUNDS TO THE WATER AND WASTEWATER SINKING FUND FOR THE PURPOSE OF COMPLYING WITH THE DEBT REQUIREMENTS SPECIFIED IN THE MASTER BOND ORDINANCE OF THE CITY OF ATLANTA ADOPTED ON MARCH 31, 1999; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") has heretofore issued multiple series of its revenue bonds to finance and refinance costs of its Water and Wastewater Sewer System pursuant to a certain Bond Ordinance duly and validly adopted on March 31, 1999 (the "Master Bond Ordinance"); and

WHEREAS, Section 4.2.2 of the Master Bond Ordinance specifies that the City establish certain funds, accounts, and subaccounts for its Water and Wastewater parity bonds, including the Debt Service Reserve account which is to be held in the Water and Sewer Sinking Fund for the purpose of preventing default in the payment of debt service on the Senior bonds whenever there are insufficient monies available to make such payments; and

WHEREAS, certain debt service reserve requirements of \$17,685,000 for the Series 2001A Water and Sewer Revenue Bonds dated December 1, 2001, \$50,371,443.79 for the Series 2004 Water and Sewer Revenue Bonds dated September 23, 2004, 62,529,702.84 for the Series 2009A Water and Sewer Revenue Bonds dated June 25, 2009, \$13,366,697.45 for the Series 2009B Water and Sewer Revenue Bonds dated October 22, 2009, accumulated interest earnings associated with the debt service reserve funds, and capitalized interest as of October 31, 2011 are currently recorded in the respective bond project funds; and

WHEREAS, certain debt service reserve funds in the amount of \$71,237,633.79 were captured in Oracle's Projects and Grants Module in error upon the conversion of the MARS/G system to the Oracle system and must be removed; and

WHEREAS, it is necessary to transfer the current debt service reserve funds (including its accumulated interest earnings) and capitalized interest from the bond project funds in the aggregate total of \$163,490,098.22 to the sinking fund in accordance with the Master Bond Ordinance and to remove the debt service reserve funds of \$71,237,633.79 from Oracle's Projects and Grants Module as of October 31, 2011; and

WHEREAS, future accumulated interest earnings from the debt service reserve funds and capitalized interest shall be transferred to the Water and Wastewater sinking fund, to be used to pay debt service for the outstanding Water and Sewer Revenue Bonds in accordance with the Master Bond Ordinance; and

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



**CITY COUNCIL
ATLANTA, GEORGIA**

SECTION 1: That the Chief Financial Officer is authorized to amend the FY 2012 Water and Wastewater Bond Funds Budget as follows to transfer debt service reserve funds (including its accumulated interest earnings) and capitalized interest in the aggregate total of \$163,490,098.22 from certain Water and Wastewater Bond Funds as of October 31, 2011:

TRANSFER FROM APPROPRIATIONS

FDOA

2001 Water & Wastewater Bond Fund	DOF Chief Financial Officer	Projects & Grants Budget Summary	Chief Executive	Debt Service Requirement	DWM 2001 Bond 9999	
5057	100101	5999999	1320000	202080	21444	\$20,795,938.04
(2001A Debt Service Reserve)						

2001 Water & Wastewater Bond Fund	DOF Chief Financial Officer	Projects & Grants Budget Summary	Chief Executive	Debt Service Requirement	DWM 2001 Bond 9999	
5057	100101	5999999	1320000	202080	21444	\$73,659.96
(2001 Residual)						

2001 Water & Wastewater Bond Fund	APD Chief of Police	Projects & Grants Budget Summary	Chief Executive	Reserve For Projects	DWM 2001 Bond 9999	
5057	240101	5999999	1320000	200118	21444	\$ 137,694.21
(2001A Capitalized Interest)						

2001 Water & Wastewater Bond Fund	APD Chief of Police	Projects & Grants Budget Summary	Chief Executive	Reserve For Projects	DWM 2001 Bond 9999	
5057	240101	5999999	1320000	200118	21444	\$ 1,970,349.46
(2001 Interest)						

2001 Water & Wastewater Bond Fund	DOF Chief Financial Officer	Projects & Grants Budget Summary	Chief Executive	Reserve For Projects	DWM 2001 Bond 9999	
5057	240101	5999999	1320000	200118	21444	\$ 108,717.56
(2001C Variable Rate Debt Service Reserve)						

2001 Water & Wastewater Bond Fund	ADP Chief of Police	Projects & Grants Budget Summary	Chief Executive	Reserve For Projects	DWM 2001 Bond 9999	
5057	240101	5999999	1320000	200118	21444	\$ 7.90
(2001C Variable Rate Capitalized Interest)						



2001 Water & Wastewater	ADP Chief of Police	Projects & Grants Budget Summary	Chief Executive	Reserve For Projects	DWM 2001 Bond 9999	
<u>Bond Fund</u>	<u>Police</u>	<u>Summary</u>	<u>Executive</u>	<u>Projects</u>	<u>9999</u>	
5057	240101	5999999	1320000	200118	21444	\$ 10,977.54

(2001C Auction Rate Capitalized Interest)

2004 Water & Wastewater	DOF Chief Financial Officer	Projects & Grants Budget Summary	Chief Executive	Debt Service Requirement	DWM 2004 Bond 9999	
<u>Bond Fund</u>	<u>Officer</u>	<u>Summary</u>	<u>Executive</u>	<u>Requirement</u>	<u>Bond 9999</u>	
5058	100101	5999999	1320000	202080	21445	\$ 50,368,035.79

(2004 Debt Service Reserve)

NDP

2004 Water & Wastewater	Reservation of Fund	Reserve Conversion				
<u>Bond Fund</u>	<u>Appropriation</u>	<u>Account-Class 1</u>	<u>Accounting</u>	<u>Default</u>	<u>Default</u>	
5058	200101	5999901	1512000	000000	00000	\$ 10,325,873.17

(2004 Debt Service Reserve)

NDP

2009A Water & Wastewater	Reservation of Fund	Reserve Conversion				
<u>Bond Fund</u>	<u>Appropriation</u>	<u>Account-Class 1</u>	<u>Accounting</u>	<u>Default</u>	<u>Default</u>	
5066	200101	5999901	1512000	000000	00000	\$ 64,529,541.51

(2009A Debt Service Reserve)

NDP

2009B Water & Wastewater	Reservation of Fund	Reserve Conversion				
<u>Bond Fund</u>	<u>Appropriation</u>	<u>Account-Class 1</u>	<u>Accounting</u>	<u>Default</u>	<u>Default</u>	
5067	200101	5999901	1512000	000000	00000	\$15,154,303.08

(2009B Debt Service Reserve)

2009B Water & Wastewater	NDP Water & Sewer	Consulting & Professional	Debt Service	Default	Default	
<u>Bond Fund</u>	<u>Bonds 2</u>	<u>Professional</u>	<u>Debt Service</u>	<u>Default</u>	<u>Default</u>	
5067	200892	5212001	8000000	000000	00000	\$ 15,000.00

(2009B Debt Service Reserve)

Total Transfer from Appropriations \$ 163,490,098.22



TRANSFER TO APPROPRIATIONS

	NDP Water & Sewer					
2001 Water & Wastewater	Bond Dated 2001A	Operating Transfer Out to 5061	Debt Service	<u>Default</u>	<u>Default</u>	
<u>Bond Fund</u>	<u>12/01/2001</u>					
5057	200827	6110098	8000000	000000	00000	\$20,795,938.04
(2001A Debt Service Reserve)						

	NDP Water & Sewer					
2001 Water & Wastewater	Bond Dated 2001A	Operating Transfer Out to 5061	Debt Service	<u>Default</u>	<u>Default</u>	
<u>Bond Fund</u>	<u>12/01/2001</u>					
5057	200827	6110098	8000000	000000	00000	\$ 73,659.96
(2001 Residual)						

	NDP Water & Sewer					
2001 Water & Wastewater	Bond Dated 2001A	Operating Transfer Out to 5061	Debt Service	<u>Default</u>	<u>Default</u>	
<u>Bond Fund</u>	<u>12/01/2001</u>					
5057	200827	6110098	8000000	000000	00000	\$ 137,694.21
(2001A Capitalized Interest)						

	NDP Water & Sewer					
2001 Water & Wastewater	Bond Dated 2001A	Operating Transfer Out to 5061	Debt Service	<u>Default</u>	<u>Default</u>	
<u>Bond Fund</u>	<u>12/01/2001</u>					
5057	200827	6110098	8000000	000000	00000	\$ 1,970,349.46
(2001 Interest)						

	NDP Water & Sewer					
2001 Water & Wastewater	Bond Dated 2001A	Operating Transfer Out to 5061	Debt Service	<u>Default</u>	<u>Default</u>	
<u>Bond Fund</u>	<u>12/01/2001</u>					
5057	200827	6110098	8000000	000000	00000	\$ 108,717.56
(2001C Variable Rate Debt Service Reserve,)						



NDP Water
& Sewer
2001 Water & Wastewater
Bond Fund 5057
Bond Dated 2001A
12/01/2001
200827
Operating Transfer Out
to 5061
6110098
Debt Service
8000000
Default
000000
Default
00000
\$ 7.90
(2001C Variable Rate Capitalized Interest)

NDP Water
& Sewer
2001 Water & Wastewater
Bond Fund 5057
Bond Dated 2001A
12/01/2001
200827
Operating Transfer Out
to 5061
6110098
Debt Service
8000000
Default
000000
Default
00000
\$ 10,977.54
(2001C Auction Rate Capitalized Interest)

NDP Water
& Sewer
2004 Water & Wastewater
Bond Fund 5058
Bond Dated 2004
9/23/2004
200832
Operating Transfer Out
to 5061
6110098
Debt Service
8000000
Default
000000
Default
00000
\$ 60,693,908.96
(2004 Debt Service Reserve)

NDP Water
& Sewer
2009A Water & Wastewater
Bond Fund 5066
Bond Dated 2009A
6/17/2009
200888
Operating Transfer Out
to 5061
6110098
Debt Service
8000000
Default
000000
Default
00000
\$ 64,529,541.51
(2009A Debt Service Reserve)

NDP Water
& Sewer
2009B Water & Wastewater
Bond Fund 5067
Bond Dated 2009B
10/22/2009
200892
Operating Transfer Out
to 5061
6110098
Debt Service
8000000
Default
000000
Default
00000
\$ 15,169,303.08
(2009B Debt Service Reserve)

Total Transfer to Appropriations \$ 163,490,098.22



SECTION 2: That the Chief Financial Officer is authorized to amend the FY 2012 Water and Wastewater Bond Funds Budget as follows to transfer the debt service reserve funds (including its accumulated interest earnings) and capitalized interest in the aggregate total of \$163,490,098.22 to the Water and Wastewater Sinking Fund:

ADD TO ANTICIPATIONS

FDOA

Water & Wastewater <u>Sinking Fund</u> 5061 (2001A Debt Service Reserve)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5057</u> 3912056	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 20,795,938.04
Water & Wastewater <u>Sinking Fund</u> 5061 (2001 Residual)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5057</u> 3912056	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 73,659.96
Water & Wastewater <u>Sinking Fund</u> 5061 (2001A Capitalized Interest)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5057</u> 3912056	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 137,694.21
Water & Wastewater <u>Sinking Fund</u> 5061 (2001 Interest)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5057</u> 3912056	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 1,970,349.46
Water & Wastewater <u>Sinking Fund</u> 5061 (2001C Variable Rate Debt Service Reserve)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5057</u> 3912056	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 108,717.56
Water & Wastewater <u>Sinking Fund</u> 5061 (2001C Variable Rate Capitalized Interest)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5057</u> 3912056	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 7.90



Water & Wastewater <u>Sinking Fund</u> 5061 (2001C Auction Rate Capitalized Interest)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5057</u> 3912056	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 10,977.54
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Water & Wastewater <u>Sinking Fund</u> 5061 (2004 Debt Service Reserve)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5058</u> 3912062	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 60,693,908.96
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Water & Wastewater <u>Sinking Fund</u> 5061 (2009A Debt Service Reserve)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5066</u> 3912064	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 64,529,541.51
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Water & Wastewater <u>Sinking Fund</u> 5061 (2009B Debt Service Reserve)	Default/ Revenue <u>Department</u> 000002	Operating Transfer From <u>Fund 5067</u> 3912104	<u>Default</u> 0000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 15,169,303.08
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Total Addition to Anticipations						<u>\$163,490,098.22</u>
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ADD TO APPROPRIATIONS

Water & Wastewater <u>Sinking Fund</u> 5061 (Series 2001A Debt Service Reserve)	NDP Water & Sewer Bond Dated <u>2001A 12/1/2001</u> 200827	Debt Service <u>Reserve</u> 5840021	<u>Default</u> 8000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 17,685,000.00
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Water & Wastewater <u>Sinking Fund</u> 5061 (Series 2004 Debt Service Reserve)	NDP Water & Sewer Bond Dated <u>2004 9/23/2004</u> 200832	Debt Service <u>Reserve</u> 5840021	<u>Default</u> 8000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 50,371,443.79
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Water & Wastewater <u>Sinking Fund</u> 5061 (Series 2009A Debt Service Reserve)	NDP Water & Sewer Bond Dated <u>2009A 6/17/2009</u> 200888	Debt Service <u>Reserve</u> 5840021	<u>Default</u> 8000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 62,529,702.84
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Water & Wastewater <u>Sinking Fund</u> 5061 (Series 2009B Debt Service Reserve)	NDP Water & Sewer Bond Dated <u>2009B 6/17/2009</u> 200892	Debt Service <u>Reserve</u> 5840021	<u>Default</u> 8000000	<u>Default</u> 000000	<u>Default</u> 00000	\$ 13,366,697.45
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Water & Wastewater <u>Sinking Fund</u> 5061 (Debt Service Reserve accumulated interest earnings)	Default/ Revenue <u>Department</u> 200101	Debt Service <u>Reserve</u> 5999901	<u>Accounting</u> 1512000	<u>Default</u> 000000	<u>Default</u> 000000	\$19,388,574.49
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Water & Wastewater <u>Sinking Fund</u> 5061 (Capitalized Interest)	Default/ Revenue <u>Department</u> 200101	Debt Service <u>Reserve</u> 5999901	<u>Accounting</u> 1512000	<u>Default</u> 000000	<u>Default</u> 000000	\$ 148,679.65
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Total Additions to Appropriations \$ 163,490,098.22

SECTION 3: That the Chief Financial Officer is authorized to remove the Debt Service Reserves from the bond project funds of \$71,237,633.79 from Oracle's Project and Grants Module for the following bonds:

REDUCE APPROPRIATIONS

PTAEO:

Debt Service <u>Requirement</u> 10202080 (Series 2001A Debt Service Reserve)	<u>Task</u> 101	DWM 2001 Bond 9999 505721444	Other Financing Uses Conversion <u>Account-Class 6</u> 5999902	City of <u>Atlanta</u> COA	\$ 20,869,598.00
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Debt Service		DWM 2004	Other Financing		
<u>Requirement</u>	<u>Task</u>	<u>Bond 9999</u>	Uses Conversion	City of	
10202080	101	505821445	<u>Account-Class 6</u>	<u>Atlanta</u>	
(Series 2004 Debt Service Reserve)			5999902	COA	<u>\$ 50,368,035.79</u>

Total Reduction in Appropriations \$ 71,237,633.79

REDUCE ANTICIPATIONS

Debt Service		DWM 2001	Other Financing		
<u>Requirement</u>	<u>Task</u>	<u>Bond 9999</u>	Uses Conversion	City of	
10202080	101	505721444	<u>Account-Class 6</u>	<u>Atlanta</u>	
(Series 2001A Debt Service Reserve)			5999902	COA	\$ 20,869,598.00

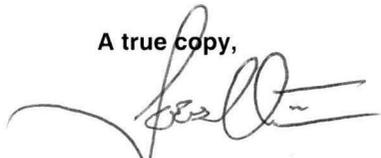
Debt Service		DWM 2004	Other Financing		
<u>Requirement</u>	<u>Task</u>	<u>Bond 9999</u>	Uses Conversion	City of	
10202080	101	505821445	<u>Account-Class 6</u>	<u>Atlanta</u>	
(Series 2004 Debt Service Reserve)			5999902	COA	<u>\$ 50,368,035.79</u>

Total Reduction in Anticipations \$ 71,237,633.79

SECTION 4: That any future interest income earned from these accounts be transferred to the sinking fund for the purpose of paying debt service on the respective bonds; and

SECTION 5: That all ordinances and parts of ordinances that are in conflict with the provisions of this ordinance are waived to the extent of the conflict.

A true copy,



Deputy Municipal Clerk

ADOPTED by the Atlanta City Council
APPROVED as per City Charter Section 2-403

Nov. 21, 2011
Nov. 30, 2011

RCS# 1554
11/21/11
2:02 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ALL ITEMS EXCEPT 11-O-1553

ADOPT

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

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

CONSENT I

RCS# 1553
11/21/11
2:00 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

RECONSIDER

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

CONSENT I

RCS# 1552
11/21/11
1:59 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

CONSENT I