

14-1839

(Do Not Write Above This Line)

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE ATLANTA DEVELOPMENT AUTHORITY FOR ECONOMIC DEVELOPMENT SERVICES; TO RATIFY THE PRIOR PROVISION OF ECONOMIC DEVELOPMENT SERVICES UNDER AN EXPIRED AGREEMENT; AND FOR OTHER PURPOSES.

ADOPTED BY

JAN 03 2012

COUNCIL

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

Date Referred 12/5/11
 Referred To: CD/HR
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

Committee _____
 Date _____
 Chair _____
 Referred To _____

First Reading

Committee HR
 Date 1/13/11
 Chair Joyce M. Skipper
 Action Fav, Adv, Hold (see rev. side)
 Other _____

Committee _____
 Date _____
 Chair _____
 Action Fav, Adv, Hold (see rev. side)
 Other _____

Members _____
 Refer To _____

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
 Readings
 Consent V Vote RC Vote

CERTIFIED
 JAN 03 2012
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED
 JAN 03 2012
 Frank D. Campbell
 MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JAN 12 2012

WITHOUT SIGNATURE
 OF OPERATION OF LAW



AN ORDINANCE
BY COUNCILMEMBER

Joseph M. Sheppard

AN ORDINANCE AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE ATLANTA DEVELOPMENT AUTHORITY FOR ECONOMIC DEVELOPMENT SERVICES; TO RATIFY THE PRIOR PROVISION OF ECONOMIC DEVELOPMENT SERVICES UNDER AN EXPIRED AGREEMENT; AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Development Authority (“ADA”) has been duly created and is existing under and by virtue of the Constitution and laws of the State of Georgia, in particular the Development Authorities Law of Georgia (O.C.G.A. §36-62-1 *et seq.*, as amended) (the "Act") and Resolution 97-R-0716 adopted by the City Council of the City of Atlanta (the “City”) and approved by the Mayor on May 19, 1997 (the "Authorizing Resolution"), and is now existing and operating as a public body corporate and politic and instrumentality of the State of Georgia; and

WHEREAS, the City has previously designated ADA as the economic development and redevelopment agent for the City; and

WHEREAS, ADA has provided economic development services for the benefit of the City and desires to continue to provide such services to the City and any future services that may be requested from time to time by the City in order to create, manage and conduct special projects, programs, initiatives and studies on behalf of the City for the purposes of investment in the economic development, revitalization and growth of the City (collectively, the "Economic Development Services"); and

WHEREAS, the City has previously provided funding for various Economic Development Services, including the Economic Opportunity Fund Program (the "EOF Program") from which business attraction grants are made, which EOF Program was most recently detailed in the Intergovernmental Agreement for Economic Opportunity Fund and Other Economic Development Projects by and between the City and ADA, dated March 28, 2006 and expiring three (3) years thereafter; and

WHEREAS, the City desires to ratify the prior provision of economic development services by ADA under the expired intergovernmental agreement, and for ADA to continue to carry out certain responsibilities critical to the economic development, revitalization and growth of the City; and

WHEREAS, the City and ADA desire to enter into an Intergovernmental Agreement (the "Intergovernmental Agreement"), in substantial form as attached in Exhibit A, pursuant to the Authorizing Resolution, the 1983 Georgia Constitution, Article IX, Section 3, Paragraph 1, and other applicable provisions of Georgia law, for the purpose of ratifying



the Economic Development Services provided to the City by ADA and memorializing the continuing terms and conditions of the EOF Program, as set forth on Exhibit B to the Intergovernmental Agreement.

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

Section 1: That the Mayor is authorized to enter into an Intergovernmental Agreement with ADA for the provision of economic development services to the City, in substantially the form attached as Exhibit A.

Section 2: That the City Attorney is directed to negotiate, prepare, and/or review the Intergovernmental Agreement to affect the intent of this ordinance provided that such agreement is in compliance with the conditions set forth herein.

Section 3: That the Agreement (and any additional amendments to the Intergovernmental Agreement) will not become binding upon the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to the Parties.

A true copy,

Deputy Municipal Clerk

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

Jan. 03, 2012
Jan. 12, 2012



EXHIBIT A

DRAFT DATED 11/4/11

STATE OF GEORGIA
COUNTY OF FULTON

INTERGOVERNMENTAL AGREEMENT FOR ECONOMIC DEVELOPMENT SERVICES

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is made and entered into on November __, 2011 and is effective as of March 28, 2009 (the "Effective Date"), by and between the **CITY OF ATLANTA, GEORGIA**, a municipal corporation duly established under the laws of the State of Georgia, acting by and through the Atlanta City Council and the Mayor (the "City") and **THE ATLANTA DEVELOPMENT AUTHORITY**, a public body corporate and politic duly created and validly existing under the laws of the State of Georgia (the "Authority").

RECITALS

WHEREAS, activities pursuant to 97-R-0716 adopted by the City Council of the City and approved by the Mayor on May 19, 1997, the Authority was established by the City to consolidate the City's efforts in housing, economic development and redevelopment (the "Authorizing Resolution");

WHEREAS, the City has previously designated the Authority as the economic development and redevelopment agent for the City;

WHEREAS, the City desires for the Authority to continue to carry out certain responsibilities critical to the economic development, revitalization and growth of the City;

WHEREAS, the Authority is committed to providing economic development services for the benefit of the City and desires to continue to provide such services to the City, as set forth on Exhibit A hereto, and any future services that may be requested from time to time by the City in order to create, manage and conduct special projects, programs, initiatives and studies on behalf of the City for the purposes of investment in the economic development, revitalization and growth of the City (collectively, the "Economic Development Services");

WHEREAS, the City has previously provided funding for various Economic Development Services, including the Economic Opportunity Fund Program (the "EOF Program") from which business attraction grants are made, which EOF Program was most recently detailed in the Intergovernmental Agreement for Economic Opportunity Fund and Other Economic Development Projects by and between the City and the Authority, dated March 28, 2006 and expiring three (3) years thereafter;

WHEREAS, the City and the Authority desire to enter into this Agreement pursuant to the Authorizing Resolution, the 1983 Georgia Constitution, Article IX, Section 3, Paragraph 1, and other applicable provisions of Georgia law, for the purpose of acknowledging the Economic Development Services provided to the City by the Authority and memorializing the continuing terms and conditions of the EOF Program, as set forth on Exhibit B; and



NOW, THEREFORE, the City and the Authority, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby agree as follows:

Section 1. The City authorizes the Authority and the Authority agrees to provide the Economic Development Services.

Section 2. The City and the Authority hereby agree that the Economic Development Services shall include, without limitation, (i) creating, promoting, coordinating, managing, administrating and implementing, as the case may be, the programs listed on Exhibit A hereto, (ii) serving in part as contact for and coordinator with various City agencies, community and civic groups and other stakeholders interested in the economic development, revitalization and growth of the City, (iii) providing general marketing services relating to the numerous program incentives and opportunities available to businesses seeking to relocate to or remain in the City, (iv) planning and implementing strategies focusing on retaining businesses within the City, and (v) such other activities as the parties may reasonably agree, all for the term of this Agreement.

Section 3. The City agrees to fund the EOF Program annually and/or on a case by case basis and the EOF Program shall be managed and administered by the Authority, as set forth in Exhibit B hereto.

Section 4. The City and the Authority hereby agree that the Economic Development Services shall be provided in accordance with any parameters established by the City and/or the Authority for the respective programs.

Section 5. The City and the Authority acknowledge that there may be professional services rendered in connection with the Economic Development Services by accountants, auditors, financial advisors, law firms and other consultants, the payment for which will be paid from revenue sources of a particular program or by the City, as agreed from time to time.

Section 6. The parties hereby agree that this Agreement may be extended, renewed, modified or otherwise amended upon the written consent of both parties, including, without limitation, extension of the term hereof, and/or modifications of the scope of the Economic Development Services being provided, as set forth herein.

Section 7. The Authority agrees to provide the City with such documents and information as may be reasonably requested in order to establish compliance by the Authority with the requirements and conditions set forth in this Agreement and any other agreement with the City related to the Economic Development Services, including, without limitation, budgets and other financial records demonstrating the proper expenditure of the sums paid hereunder, marketing plans, materials relating to development, redevelopment and business retention strategies, and redevelopment plans and other materials prepared in connection with the Authority's performance under this Agreement. In addition, the Authority will forward copies of program financial statements to the President of City Council and Councilmembers annually.

Section 8. This Agreement shall be governed by and construed under the laws of the State of Georgia.

Section 9. Time is of the essence in every particular, and especially where obligations to pay money are involved.



Section 10. This Agreement may be executed in any number of counterparts, each of which shall be an original and all of which when taken together constitute a single document.

Section 11. This Agreement shall remain in effect for ten (10) years, until June 30, 2019, unless extended in writing by the parties hereto.

Section 12. The provisions of this Agreement shall be deemed independent and severable. In the event any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement.

IN WITNESS WHEREOF, the City and the Authority have executed this Agreement and caused their seals to be affixed and attested as of the day and year first above written.

ATTEST:

CITY OF ATLANTA

Municipal Clerk

Mayor

[City Seal]

APPROVED AS TO INTENT:

RECOMMENDED:

Chief Financial Officer

Chief Operating Officer

APPROVED AS TO FORM:

City Attorney

ATTEST:

THE ATLANTA DEVELOPMENT AUTHORITY

Assistant Secretary

Brian P. McGowan
President/CEO

[Authority Seal]



Exhibit A

Economic Development Services

The Authority will provide existing and future Economic Development Services as they relate to the creation, promotion, coordination, management, administration and/or implementation of various programs and related funds for the benefit of the City, including, but not limited to the following:

1. Economic Opportunity Fund Program, the specific terms and conditions for which are attached hereto as Exhibit B
2. Opportunity Loan Fund Program
3. Business Improvement Loan Fund Program*
4. Phoenix Loan Fund*
5. Brownfield Revolving Loan Fund Program*
6. Lease Purchase Bond Program
7. Urban Enterprise Zone Program
8. Empowerment Zone Loan Fund Program*
9. Opportunity Downpayment Assistance Program*
10. Atlanta Affordable Home Ownership Program*
11. Vine City/English Avenue Trust Fund*

*Program has its own intergovernmental agreement with the City and/or program documents.

Additionally, the Authority will continue to serve as the Redevelopment Agency to the City for the following tax allocation districts ("TAD") pursuant to their respective enabling legislation of the City and in accordance with their respective Redevelopment Plans:

1. Westside TAD, including:
 - Westside TAD Neighborhood Fund and
 - Westside TAD Public Purpose Project Fund
2. Atlantic Station TAD
3. Princeton Lakes TAD
4. Perry Bolton TAD
5. Eastside TAD
6. BeltLine TAD, including:
 - BeltLine TAD Affordable Housing Trust Fund and
 - BeltLine Economic Development Incentive Fund
7. Campbellton Road TAD
8. Hollowell/M.L.King TAD
9. Metropolitan Parkway TAD
10. Stadium Area TAD



Exhibit B

Economic Opportunity Fund Program

The Economic Opportunity Fund ("EOF") shall be utilized to increase the capital available for development and business growth by investing in significant job creation opportunities through (i) attracting new employers to create significant new jobs, (ii) expanding and retaining employers to create significant new jobs, (iii) investing in small business and (iv) providing a tool for third-party investment resulting in the creation of significant new jobs.

Section 1. The Economic Opportunity Fund. The Authority will dedicate and grant specific funding on a case by case basis as allocated by the City. To the extent the City agrees to fund the EOF as a line item in the City's annual budget, the Authority agrees to use the EOF to invest in one or more of four objectives set forth below by the Authority, each of which is subject to the Authority's annual budget process and the EOF operational guidelines.

<u>Objective of EOF</u>	<u>Percent of Total EOF Budget Allocated</u>
Small Business Loan Fund	0 – 50%
Marketing and Promotion of the City of Atlanta	0 – 50%
Significant Job Creation	0 – 70%
Third-Party Investment to Create Significant Jobs	0 – ___%

Any expenditure from the EOF requires the joint approvals of the Chief Financial Officers of the City and the Authority.

Section 2. Small Business Development. Using an annual allocation of the EOF, the Authority shall utilize that portion of the EOF funds allocated for small business development in a small business revolving loan fund for the purpose of the development and support of small business enterprises within the City.

Section 3. Marketing and Promotion of the City. Using an annual allocation of the EOF, the Authority agrees to utilize that portion of the EOF funds allocated for marketing and promotions of the City to support marketing, advertising, promotion or branding activities to have a positive economic development impact on the City and promote a positive public image of the City.

Section 4. Significant Job Creation. Using an annual allocation of the EOF, the Authority agrees to utilize that portion of the EOF funds allocated for significant job creation in accordance with the operational guidelines developed, implemented and administered by the Authority, which operational guidelines shall include, *inter alia*, the evaluation of employers according to their (1) resource capability to maintain or development business facilities within the City, (2) the likelihood of creating jobs according to quality and quantity thresholds developed by the Authority, (3) compliance with annual disclosure requirements to evidence conformity with the Authority's job quality and quantity thresholds, together with the economic impact and contributions within the City, (4) commitment to maintaining a presence in the City beyond the period for which the incentives have been granted; and (5) agreement with monitoring and enforcement activities by the Authority and the City to the extent deemed necessary by the Authority or the City.

Section 5. Third-Party Investment to Create Significant Jobs. Using an annual allocation of the EOF, the Authority agrees to utilize that portion of the funds allocated for third-party investment to create significant job growth to invest with third-parties to create significant jobs. The Authority shall develop guidelines by which third-parties shall be provided EOF grants to enable them to provide

RCS# 1647
1/03/12
2:27 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

CONSENT AGENDA SECTION I
JANUARY 3, 2012
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

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

CONSENT I

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	01-03-12 ITEMS ADVERSED ON CONSENT
<ul style="list-style-type: none"> 1. 11-O-1694 2. 11-O-1717 3. 11-O-1713 4. 11-O-1714 5. 11-O-1832 6. 11-O-1836 7. 11-O-1837 8. 11-O-1838 9. 11-O-1630 10. 11-O-1712 11. 11-O-1839 12. 11-O-1718 13. 11-R-1789 14. 11-R-1815 15. 11-R-1811 16. 11-R-1844 17. 11-R-1821 18. 11-R-1822 19. 11-R-1823 20. 11-R-1824 21. 11-R-1825 22. 11-R-1826 23. 11-R-1796 24. 11-R-1797 25. 11-R-1798 26. 11-R-1799 27. 11-R-1800 28. 11-R-1801 		<ul style="list-style-type: none"> 29. 11-R-1802 30. 11-R-1803 31. 11-R-1804