

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO AMEND CERTAIN LOAN AGREEMENTS BETWEEN THE GEORGIA ENVIRONMENTAL FINANCE AUTHORITY (“GEFA”) AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

**Review List:**

Jo Ann Macrina	Completed	07/11/2013 12:44 PM
Patrick McShane	Completed	07/15/2013 2:22 PM
Mayor's Office	Completed	07/15/2013 5:06 PM
Office of Research and Policy Analysis	Completed	07/17/2013 2:20 PM
City Utilities Committee	Pending	
Atlanta City Council	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO AMEND CERTAIN LOAN AGREEMENTS BETWEEN THE GEORGIA ENVIRONMENTAL FINANCE AUTHORITY (“GEFA”) AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.**

WHEREAS, the Georgia Environmental Finance Authority (“GEFA”) desires to amend nine (9) loan agreements between GEFA and the City of Atlanta (“City”) to amend and replace Exhibit D of the existing loan agreements; and

WHEREAS, the loan agreements between GEFA and the City to be amended are Loan Agreement CWSRF 04-003, Loan Agreement 2004-L05WQ, Loan Agreement CWSRF 05-003, Loan Agreement 2005-L05WQ, Loan Agreement CWSRF 06-003, Loan Agreement 2006-L05WQ, Loan Agreement CWSRF 09-092, Loan Agreement 2010-L13WQ, Loan Agreement CWSRF 10-002; and

WHEREAS, the City authorized Loan Agreements CWSRF 04-003 and 2004-L05WQ pursuant to 04-R-1402; the City authorized Loan Agreements CWSRF 05-003 and 2005-L05WQ pursuant to 06-R-1376; the City authorized Loan Agreements CWSRF 06-003 and 2006-L05WQ pursuant to 07-R-1117; and the City authorized Loan Agreements CWSRF 09-092, 2010-L13WQ and CWSRF 10-002 pursuant to 10-O-1822; and

WHEREAS, GEFA desires to amend Loan Agreements CWSRF 04-003, 2004-L05WQ, CWSRF 05-003, 2005-L05WQ, CWSRF 09-092, 2010-L13WQ, and CWSRF 10-002 to amend and restate Exhibit D to remove a paragraph requiring City to provide two (2) financial reports to GEFA on a monthly basis; (1) General Ledger data, which contains payment by vendor by date, and (2) Snapshot Report, which contains project-specific spending, budget, and construction information; and

WHEREAS, GEFA desires to amend Loan Agreements CWSRF 06-003 and 2006-L05WQ to amend and restate Exhibit D to remove a paragraph requiring City to provide two (2) financial reports to GEFA on a monthly basis; (1) General Ledger data, which contains payment by vendor by date, and (2) Snapshot Report, which contains project-specific spending, budget, and construction information, and to remove an additional paragraph stating that any hesitation on behalf of the City to provide requested information to the Oversight Taskforce will be a direct threat to future funding considerations; and

WHEREAS, it is in the best interests of the City to modify these nine (9) loan agreements to amend and restate Exhibit D as outlined above.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to enter into loan agreements (“Agreements”) with GEFA for the purpose of amending and replacing Exhibit D for loan agreements CWSRF 04-003, 2004-L05WQ, CWSRF 05-003, 2005-L05WQ, CWSRF 06-003, 2006-L05WQ, CWSRF 09-092, 2010-L13WQ, CWSRF 10-002 between GEFA and the City;

BE IT FURTHER RESOLVED, that the Mayor, or his authorized designee, is authorized to execute and deliver to GEFA the Agreements which shall amend and restate Exhibit D which documents will be approved as to form by the City Attorney and as to intent by the Chief Financial Officer;

BE IT FURTHER RESOLVED, that the Mayor, or his authorized designee, is authorized to execute any and all other documents necessary to consummate and effectuate the modifications to the loan agreements; and

BE IT FINALLY RESOLVED, that the Agreements will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to GEFA.

**Part II: Legislative White Paper:** (This portion of the Legislative Request Form will be shared with City Council members and staff)

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities Committee

**Caption:** A RESOLUTION AUTHORIZING THE MAYOR TO AMEND CERTAIN LOAN AGREEMENTS BETWEEN THE GEORGIA ENVIRONMENTAL FINANCE AUTHORITY ("GEFA") AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

**Council Meeting Date:** August 19, 2013

**Requesting Dept.:** Department of Watershed Management

**B. To be completed by the department:**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

**Example:** *The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.*

The purpose of this legislation is to authorize the Mayor, or his designee, to amend nine (9) loan agreements between GEFA and the City to amend and restate Exhibit D of all nine (9) loan agreements.

**2. Please provide background information regarding this legislation.**

**Example:** *The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.*

The loan agreements between GEFA and the City to be amended are Loan Agreement CWSRF 04-003, Loan Agreement 2004-L05WQ, Loan Agreement CWSRF 05-003, Loan Agreement 2005-L05WQ, Loan Agreement CWSRF 06-003, Loan Agreement 2006-L05WQ, Loan Agreement CWSRF 09-092, Loan Agreement 2010-L13WQ, Loan Agreement CWSRF 10-002. The City authorized Loan Agreements CWSRF 04-003 and 2004-L05WQ pursuant to 04-R-1402; the City authorized Loan Agreements CWSRF 05-003 and 2005-L05WQ pursuant to 06-R-1376; the City authorized Loan Agreements CWSRF 06-003 and 2006-L05WQ pursuant to 07-R-1117; and the City authorized Loan Agreements CWSRF 09-092, 2010-L13WQ and CWSRF 10-002 pursuant to 10-O-1822. GEFA desires to amend Loan Agreements CWSRF 04-003, 2004-L05WQ, CWSRF 05-003, 2005-L05WQ, CWSRF 09-092, 2010-L13WQ, and CWSRF 10-002 to amend and restate Exhibit D to remove a paragraph requiring City to provide two (2) financial reports to GEFA on a monthly basis; (1) General Ledger data, which contains payment by vendor by date, and (2) Snapshot Report, which contains project-specific spending, budget, and construction information. GEFA desires to amend Loan Agreements CWSRF 06-003 and 2006-L05WQ to amend and restate Exhibit D to remove a paragraph requiring City to provide two (2) financial reports to GEFA on a monthly basis; (1) General Ledger data, which contains payment by vendor by date, and (2) Snapshot

Report, which contains project-specific spending, budget, and construction information, and to remove an additional paragraph stating that any hesitation on behalf of the City to provide requested information to the Oversight Taskforce will be a direct threat to future funding considerations.

**3. If Applicable/Known:**

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** N/A
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** N/A

**4. Fund Account Center (Ex. Name and number):**

**Fund: Account:, Center:, Function Activity:**

**5. Source of Funds: Example: Local Assistance Grant**

**6. Fiscal Impact: NA**

**Example: This legislation will result in a reduction in the amount of \_\_\_\_\_ to Fund Account Center Number \_\_\_\_\_.**

**7. Method of Cost Recovery:**

**Examples:**

- a. *Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.*
- b. *Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.*

**This Legislative Request Form Was Prepared By: Patrick McShane, Assistant City Attorney**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Maisha L. Wood

Contact Number: 404-330-6887

Originating Department: Watershed Management

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: July 5, 2013

Anticipated Committee Meeting Date(s): July 30, 2013

Anticipated Full Council Date: August 19, 2013

Legislative Counsel's Signature: [Signature]

Commissioner's Signature: [Signature]

Chief Financial Officer: n/a

Chief Information Officer Signature (for IT Procurements) n/a

Chief Procurement Officer Signature: n/a

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO AMEND CERTAIN LOAN AGREEMENTS BETWEEN THE GEORGIA ENVIRONMENTAL FINANCE AUTHORITY ("GEFA") AND THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_  
(date)

Received by LC from CPO: \_\_\_\_\_  
(date)

Received by Mayor's Office: 7.5.13  
(date)

Reviewed by: KJP DCOS  
(date) 7/9/13

Submitted to Council: \_\_\_\_\_ (date)

Attachment: GEFA loan amendment transmittal (13-R-3405 : GEFA Loan Amendments)