

**AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AMENDING ORDINANCE NO. 10-O-1171 ADOPTED BY THE ATLANTA CITY COUNCIL ON JULY 6, 2010 AND APPROVED ON JULY 15, 2010 PURSUANT TO CITY CHARTER SECTION 2-403, SO AS TO PROVIDE THAT THE CHIEF FINANCIAL OFFICER MAY EXPEND COMMITTED FUNDS FROM THE ANNUAL HOTEL/MOTEL AND RENTAL CAR TAXES FOR THE STARTUP AND OPERATIONS AND MAINTENANCE OF THE ATLANTA STREETCAR SYSTEM (“ATLANTA STREETCAR”) PRIOR TO THE ACTUAL COLLECTION OF FARES FROM RIDERS; AND FOR OTHER PURPOSES.**

**Workflow List:**

Santana Kempson Wright	Completed	04/30/2014 4:45 PM
Rita Braswell	Completed	04/30/2014 5:11 PM
Richard Mendoza	Completed	05/01/2014 2:47 PM
Stefanie Grant	Completed	05/01/2014 3:35 PM
Mayor's Office	Completed	05/01/2014 4:14 PM
Office of Research and Policy Analysis	Completed	05/01/2014 4:46 PM
Finance/Executive Committee	Pending	
Atlanta City Council	Pending	
Mayor's Office	Pending	

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

**AN ORDINANCE BY FINANCE/EXECUTIVE COMMITTEE AMENDING ORDINANCE NO. 10-O-1171 ADOPTED BY THE ATLANTA CITY COUNCIL ON JULY 6, 2010 AND APPROVED ON JULY 15, 2010 PURSUANT TO CITY CHARTER SECTION 2-403, SO AS TO PROVIDE THAT THE CHIEF FINANCIAL OFFICER MAY EXPEND COMMITTED FUNDS FROM THE ANNUAL HOTEL/MOTEL AND RENTAL CAR TAXES FOR THE STARTUP AND OPERATIONS AND MAINTENANCE OF THE ATLANTA STREETCAR SYSTEM (“ATLANTA STREETCAR”) PRIOR TO THE ACTUAL COLLECTION OF FARES FROM RIDERS; AND FOR OTHER PURPOSES.**

WHEREAS, pursuant to Ordinance 10-O-1171, the City of Atlanta (“City”) executed an intergovernmental agreement with the Metropolitan Atlanta Rapid Transit Authority, the Downtown Atlanta Community Improvement District, and the Atlanta Downtown Improvement District, Inc., which committed the City to pay up to One Million Dollars (\$1,000,000.00) annually for the operations and maintenance of the Atlanta Streetcar for a period not to exceed twenty (20) years from the date of execution; and

WHEREAS, the source of the City’s annual funding obligation for the operations and maintenance of the Atlanta Streetcar are those Rental Motor Vehicles taxes authorized pursuant to O.C.G.A. § 48-13-90 et seq. and imposed by City Code Sec. 146-111 et seq. and Hotel/Motel Taxes authorized pursuant to O.C.G.A. § 48 -1350 et seq. and imposed by City Code Sec. 146-76 et seq.; and

WHEREAS, Ordinance 10-O-1171, Section 5 states in part, that “...no funds for operations and maintenance shall be expended until the streetcar line is constructed and in operation collecting fares from riders”; and

WHEREAS, the Department of Public Works desires to implement a promotional ridership phase for a period of approximately three (3) months for the operations of the Atlanta Streetcar, during which time, the fares shall be waived for all riders; and

WHEREAS, the Streetcar will necessarily incur expenses related to the startup, operation and maintenance of the Streetcar prior to collecting fares from riders; and

WHEREAS, the Department of Public Works desires to be able to allocate funding for startup, operations and maintenance costs incurred prior to the collection of fares from riders; and

WHEREAS, the Department of Public Works and the Atlanta Streetcar would benefit from having such a “free fare” promotional period.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1: That Ordinance 10-O-1171 be amended by deleting Section 5 its entirety and inserting in its place a new Section 5 to read as follows:

The Mayor is authorized to execute an intergovernmental agreement with MARTA for the purpose of the TIGER II Discretionary Grant application to be sent to USDOT pursuant to the April 26, 2010 Federal Register notice set forth in Vol. 75, No. 79 at pp. 21695 et seq and as amended which shall commit the City to pay up to One Million Dollars (\$1,000,000.00) annually for operation and maintenance of the streetcar system for a period not to exceed twenty (20) years from the date of execution, provided however that no funds for operations and maintenance shall be expended for any purpose other than the expressed and direct startup and operations and maintenance of the Streetcar. In no case shall any portion of the funds be used to fund any startup and operations and maintenance not directly attributable to operations for a streetcar in the City of Atlanta and that has been built in whole or in part with TIGER II Discretionary Grant funds. The source of such funds shall be those Rental Motor

Vehicles taxes authorized pursuant to O.C.G.A. § 48-13-90 et seq. and imposed by City Code Sec. 146-111 et seq. and Hotel/Motel Taxes authorized pursuant to O.C.G.A. § 48 -1350 et seq. and imposed by City Code Sec. 146-76 et seq.; provided, however, that the proportion of the funding commitment from each tax source shall be at the Mayor's discretion as approved in an annual budget.

SECTION 2: That this ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

SECTION 3: That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: CANDACE L. BYRD

Dept.'s Legislative Liaison: Santana Kempson Wright

Contact Number: (404) 330-6579

Originating Department: Department of Public Works

Committee(s) of Purview: Finance/Executive Committee

Chief of Staff Deadline: April 25, 2014

Anticipated Committee Meeting Date(s): May 14, 2014 (1<sup>st</sup> read) and May 28, 2014 (2<sup>nd</sup> read)

Anticipated Full Council Date: June 2, 2014 (final action)

Legislative Counsel's Signature: Stefanie Grant *Stefanie Grant*

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**

AN ORDINANCE TO AMEND ORDINANCE NO. 10-0-1171 ADOPTED BY THE ATLANTA CITY COUNCIL ON JULY 6, 2010 AND APPROVED ON JULY 15, 2010 PURSUANT TO CITY CHARTER SECTION 2-403, SO AS TO PROVIDE THAT THE CHIEF FINANCIAL OFFICER MAY EXPEND COMMITTED FUNDS FROM THE ANNUAL HOTEL/MOTEL AND RENTAL CAR TAXES FOR THE STARTUP AND OPERATIONS AND MAINTENANCE OF THE ATLANTA STREETCAR SYSTEM ("ATLANTA STREETCAR") PRIOR TO THE ACTUAL COLLECTION OF FARES FROM RIDERS; AND FOR OTHER PURPOSES.

**FINANCIAL IMPACT:**

Mayor's Staff Only

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

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

Received by Mayor's Office: *Janice Dei 4/25/14*  
(date)

Reviewed by: *[Signature]*  
(date)

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

Attachment: Streetcar Car Rental Tax (14-O-1250 : Amend Ordinance 10-O-1171 for Streetcar use of Rental Car Taxes)

**AN ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE TO AMEND ORDINANCE NO. 10-0-1171 ADOPTED BY THE ATLANTA CITY COUNCIL ON JULY 6, 2010 AND APPROVED ON JULY 15, 2010 PURSUANT TO CITY CHARTER SECTION 2-403, SO AS TO PROVIDE THAT THE CHIEF FINANCIAL OFFICER MAY EXPEND COMMITTED FUNDS FROM THE ANNUAL HOTEL/MOTEL AND RENTAL CAR TAXES FOR THE STARTUP AND OPERATIONS AND MAINTENANCE OF THE ATLANTA STREETCAR SYSTEM (“ATLANTA STREETCAR”) PRIOR TO THE ACTUAL COLLECTION OF FARES FROM RIDERS; AND FOR OTHER PURPOSES.**

**WHEREAS**, pursuant to Ordinance 10-0-1171, the City of Atlanta (“City”) executed an intergovernmental agreement with the Metropolitan Atlanta Rapid Transit Authority, the Downtown Atlanta Community Improvement District, and the Atlanta Downtown Improvement District, Inc., which committed the City to pay up to One Million Dollars (\$1,000,000.00) annually for the operations and maintenance of the Atlanta Streetcar for a period not to exceed twenty (20) years from the date of execution; and

**WHEREAS**, the source of the City’s annual funding obligation for the operations and maintenance of the Atlanta Streetcar are those Rental Motor Vehicles taxes authorized pursuant to O.C.G.A. § 48-13-90 et seq. and imposed by City Code Sec. 146-111 et seq. and Hotel/Motel Taxes authorized pursuant to O.C.G.A. § 48 -1350 et seq. and imposed by City Code Sec. 146-76 et seq.; and

**WHEREAS**, Ordinance 10-0-1171, Section 5 states in part, that “...no funds for operations and maintenance shall be expended until the streetcar line is constructed and in operation collecting fares from riders”; and

**WHEREAS**, the Department of Public Works desires to implement a promotional ridership phase for a period of approximately three (3) months for the operations of the Atlanta Streetcar, during which time, the fares shall be waived for all riders; and

**WHEREAS**, the Streetcar will necessarily incur expenses related to the startup, operation and maintenance of the Streetcar prior to collecting fares from riders; and

**WHEREAS**, the Department of Public Works desires to be able to allocate funding for startup, operations and maintenance costs incurred prior to the collection of fares from riders; and

**WHEREAS**, the Department of Public Works and the Atlanta Streetcar would benefit from having such a “free fare” promotional period.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1:** That Ordinance 10-0-1171 be amended by deleting Section 5 in its entirety and inserting in its place a new Section 5 to read as follows:

The Mayor is authorized to execute an intergovernmental agreement with MARTA for the purpose of the TIGER II Discretionary Grant application to be sent to USDOT pursuant to the April 26, 2010 Federal Register notice set forth in Vol. 75, No. 79 at pp. 21695 et seq and as amended which shall commit the City to pay up to One Million Dollars (\$1,000,000.00) annually for operation and maintenance of the streetcar system for a period not to exceed twenty (20) years from the date of execution, provided however that no funds for operations and maintenance shall be expended for any purpose other than the expressed and direct startup and operations and maintenance of the Streetcar. In no case shall any portion of the funds be used to fund any startup and operations and maintenance not directly attributable to operations for a streetcar in the City of Atlanta and that has been built in whole or in part with TIGER II Discretionary Grant funds. The source of such funds shall be those Rental Motor Vehicles taxes authorized pursuant to O.C.G.A. § 48-13-90 et seq. and imposed by City Code Sec. 146-111 et seq. and Hotel/Motel Taxes authorized pursuant to O.C.G.A. § 48-1350 et seq. and imposed by City Code Sec. 146-76 et seq.; provided, however, that the proportion of the funding commitment from each tax source shall be at the Mayor's discretion as approved in an annual budget.

**SECTION 2:** That this ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.

**SECTION 3:** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

**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:**

**Caption:**

**AN ORDINANCE TO AMEND ORDINANCE NO. 10-0-1171 ADOPTED BY THE ATLANTA CITY COUNCIL ON JULY 6, 2010 AND APPROVED ON JULY 15, 2010 PURSUANT TO CITY CHARTER SECTION 2-403, SO AS TO PROVIDE THAT THE CHIEF FINANCIAL OFFICER MAY EXPEND COMMITTED FUNDS FROM THE ANNUAL HOTEL/MOTEL AND RENTAL CAR TAXES FOR THE STARTUP AND OPERATIONS AND MAINTENANCE OF THE ATLANTA STREETCAR SYSTEM ("ATLANTA STREETCAR") PRIOR TO THE ACTUAL COLLECTION OF FARES FROM RIDERS; AND FOR OTHER PURPOSES.**

**Committee of Purview: Finance/Executive Committee**

**Committee Meeting Date: May 14, 2014 (1<sup>st</sup> read) and May 28, 2014 (2<sup>nd</sup> read)**

**Council Meeting Date: June 2, 2014 (final action)**

**Requesting Dept.: Department of Public Works**

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

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

The Department of Public Works desires to be able to allocate funding for startup and operations and maintenance incurred prior to the collection of fares from riders. As such, Ordinance 10-0-1171, Section 5 should be amended to allow expenditures of startup and operations and maintenance funds prior to the actual collection of fares from riders.

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

Ordinance 10-0-1171, Section 5 states in part, that "...no funds for operations and maintenance shall be expended until the streetcar line is constructed and in operation collecting fares from riders." The Department of Public Works is implementing a promotional ridership phase for a period of or about three (3) months for the Atlanta Streetcar. During such time, the fares shall be free to all riders. The Streetcar will incur expenses related to the startup and operation and maintenance of the Streetcar prior to collecting fares from riders.

**3. If Applicable/Known:**

- (a) **Contract Type:** 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 Department Account Center:** N/A

**5. Source of Funds:** N/A

**6. Fiscal Impact:** N/A

**7. Method of Cost Recovery:** N/A

**This Legislative Request Form Was Prepared By:** Yolanda Favors

(Do Not Write Above This Line)

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- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT-2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred  
**AN ORDINANCE BY**  
**CITY UTILITIES COMMITTEE**

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
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**FINAL COUNCIL ACTION**  
 2nd  
 Consent  
 1<sup>st</sup> & 2<sup>nd</sup> Readings / vote  
 RC Vote

CERTIFIED

**MAYOR'S ACTION**