A SUBSTITUTE ORDINANCE BY **10-O-1659**

FINANCE EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING AND DIRECTING THE DEPARTMENT OF FINANCE TO CREATE A TRUST ACCOUNT FOR THE DEPOSIT OF ALL DONATIONS AND GRANT MONIES RECEIVED FOR THE CENTERS OF HOPE; AND TO AMEND SECTION 2-910 OF THE ATLANTA CODE OF ORDINANCES TO ALLOW CENTERS OF HOPE GRANT FUNDS TO BE RECEIVED WITHOUT COUNCIL AUTHORIZATION IN CERTAIN CIRUMSTANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") is invested in providing high quality programming for its youth to help them achieve excellence, and to that end, strives to provide a comprehensive network of Centers of Hope throughout the City; and

WHEREAS, numerous individuals, organizations and corporations share the City's desire to support youth and wish to contribute to the City's Centers of Hope; and

WHEREAS, the City may be eligible for grant funding regarding the Centers of Hope, and anticipates receiving such funding; and

WHEREAS, the City's application for and receipt of grant funds is governed by Atlanta Code of Ordinances Chapter 2, Article IX, Division 1, Section 2-910 ("Section 2-910"); and

WHEREAS, Section 2-910 exempts the Department of Parks, Recreation and Cultural Affairs ("DPRCA") from the requirement of obtaining City Council approval prior to applying for a grant. This exemption was created because many of the grants applied for by DPRCA have short deadlines, and a pre-requisite of Council approval would preclude DPRCA from competing for numerous grant opportunities; and

WHEREAS, the Centers of Hope are within the purview of DPRCA, and therefore grant applications may be submitted without Council authorization. In recognition that DPRCA may apply for many grants to help fund the Centers of Hope, and based on the City Council's support of that effort and desire to reduce the amount of administrative work associated therewith, Section 2-910 should be modified to eliminate the requirement that DPRCA receive Council authorization prior to accepting grant funds. This modification would require that DPRCA provide the City Council with a regular report of grant funds received, that grant funds be deposited into the account created herein, and that Council approval be obtained where a grant requires financial commitment from the City; and

WHEREAS, a new trust account is needed in which to deposit donations and grant funds for the Centers of Hope.

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

SECTION 1: The Department of Finance is hereby authorized and directed to create a new trust account in which to deposit all donations and grant monies contributed for the benefit of the City's Centers of Hope ("Centers of Hope Trust Account"). All Centers of Hope Trust Account fund, including the principal and earnings, may be expended solely for costs associated with the Centers of Hope and the youth programming offered therein, including without limitation: personnel-related costs, including salary, benefits and training; operational expenses; supplies; miscellaneous programming expenses; motorized equipment; and land/facility acquisition, maintenance, construction and improvements.

SECTION 2: The Centers of Hope Trust Account described in Section 1 above shall be created as follows:

ADD TO ANTICIPATIONS

FUND	7701	TRUST
DEPARTMENT	140364	PRC RECREATION CENTER OPERATIONS
REVENUE ACCT	3710001	CONTRIBUTIONS/DONATIONS
FUNCTION	6190000	SPECIAL FACILITIES
PROJECT	600384	CENTERS OF HOPES
FUND	69999	FUNDING SOURCE FOR NON-CAPITAL PROJECTS

ADD TO APPROPRIATIONS

FUND	7701	TRUST
DEPARTMENT	140364	PRC RECREATION CENTER OPERATIONS
EXPENSE ACCT	5999999	PROJECTS & GRANTS BUDGET SUMMARY
FUNCTION	6190000	SPECIAL FACILITIES
PROJECT	600384	CENTERS OF HOPES
FUNDING SOURCE	69999	FUNDING SOURCE FOR NON-CAPITAL PROJECTS

SECTION 3: The Mayor, on behalf of the City, is hereby authorized to accept all donations and grant funds contributed for the benefit of the City's Centers of Hope, without receiving further authorization or legislative approval, provided that said funds are deposited into the Centers of Hope Trust Account established in Section 2 above, provided that receipt of said funds is not contingent upon a financial commitment by the

City, and provided that the Department of Parks, Recreation and Cultural Affairs maintains an updated list of the funds deposited into the Centers of Hope Trust Account, including without limitation the name of the donor/grant provider, the date received, and the amount. Said list shall be made available upon request.

SECTION 4: Atlanta Code of Ordinances Section 2-910 (b) shall be amended so as to codify the provisions set forth in Section 3 above, and specifically to eliminate the requirement that DPRCA receive Council approval prior to accepting grants for Centers of Hope, provided that certain requirements are met. Accordingly, the first sentence of Section 2-910(b) shall be amended to add the bolded language below:

> "**Except as set forth in Section 2-910(e) below,** any grant application that is filed by or on behalf of the department of parks, recreation, and cultural affairs is not required to receive approval of the council prior to being filed, however the grant may not be accepted by the City of Atlanta until approved by the council. Any other grant application that is filed without the approval of the council shall be absolutely void and without authority."

In addition, Section 2-910 shall be amended by adding a new subsection (e) which shall read as follows:

> "Any grant application that is filed by or on behalf of the department of parks, recreation, and cultural affairs to obtain funds for the Centers of Hope, including funds for elements of the Centers of Hope such as programming, motorized equipment, supplies, personnel, and land/facility expenses, is not required to receive approval of the council prior to being filed. In addition, council approval shall not be required to accept the grant funds, provided that: (1) the Department of Parks, Recreation and Cultural Affairs provides a written update to the council listing each grant received, the amount of the grant, and the provider(s) of the grant; (2) the grant funds are deposited into the City's Centers of Hope Trust Account; and (3) the grant does not require financial commitment from the City. Should these three conditions not be met, council must authorize the acceptance of the grant.

SECTION 5: All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said conflict.

AN ORDINANCE BY
FINANCE EXECUTIVE COMMITTEE

10-O-1659

AN ORDINANCE AUTHORIZING AND DIRECTING THE DEPARTMENT OF FINANCE TO CREATE A TRUST ACCOUNT FOR THE DEPOSIT OF ALL DONATIONS AND GRANT MONIES RECEIVED FOR THE CENTERS OF HOPE; AND TO AMEND SECTION 2-910 OF THE ATLANTA CODE OF ORDINANCES TO ALLOW CENTERS OF HOPE GRANT FUNDS TO BE RECEIVED WITHOUT COUNCIL AUTHORIZATION IN CERTAIN CIRUMSTANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") is invested in providing high quality programming for its youth to help them achieve excellence, and to that end, strives to provide a comprehensive network of Centers of Hope throughout the City; and

WHEREAS, numerous individuals, organizations and corporations share the City's desire to support youth and wish to contribute to the City's Centers of Hope; and

WHEREAS, the City may be eligible for grant funding regarding the Centers of Hope, and anticipates receiving such funding; and

WHEREAS, the City's application for and receipt of grant funds is governed by Atlanta Code of Ordinances Chapter 2, Article IX, Division 1, Section 2-910 ("Section 2-910"); and

WHEREAS, Section 2-910 exempts the Department of Parks, Recreation and Cultural Affairs ("DPRCA") from the requirement of obtaining City Council approval prior to applying for a grant. This exemption was created because many of the grants applied for by DPRCA have short deadlines, and a pre-requisite of Council approval would preclude DPRCA from competing for numerous grant opportunities; and

WHEREAS, the Centers of Hope are within the purview of DPRCA, and therefore grant applications may be submitted without Council authorization. In recognition that DPRCA may apply for many grants to help fund the Centers of Hope, and based on the City Council's support of that effort and desire to reduce the amount of administrative work associated therewith, Section 2-910 should be modified to eliminate the requirement that DPRCA receive Council authorization prior to accepting grant funds. This modification would require that DPRCA provide the City Council with a regular report of grant funds received, that grant funds be deposited into the account created herein, and that Council approval be obtained where a grant requires financial commitment from the City; and

WHEREAS, a new trust account is needed in which to deposit donations and grant funds for the Centers of Hope.

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

SECTION 1: The Department of Finance is hereby authorized and directed to create a new trust account in which to deposit all donations and grant monies contributed for the benefit of the City's Centers of Hope ("Centers of Hope Trust Account"). All Centers of Hope Trust Account fund, including the principal and earnings, may be expended solely for costs associated with the Centers of Hope and the youth programming offered therein, including without limitation: personnel-related costs, including salary, benefits and training; operational expenses; supplies; miscellaneous programming expenses; motorized equipment; and land/facility acquisition, maintenance, construction and improvements.

SECTION 2: The Centers of Hope Trust Account described in Section 1 above shall be created as follows:

ADD TO ANTICIPATIONS

FUND	7701	TRUST
DEPARTMENT	140364	PRC RECREATION CENTER OPERATIONS
REVENUE ACCT	3710001	CONTRIBUTIONS/DONATIONS
FUNCTION	6190000	SPECIAL FACILITIES
PROJECT	600384	CENTERS OF HOPES
FUND	69999	

ADD TO APPROPRIATIONS

FUND	7701	TRUST
DEPARTMENT	140364	PRC RECREATION CENTER OPERATIONS
EXPENSE ACCT	5999999	
FUNCTION	6190000	SPECIAL FACILITIES
PROJECT	600384	CENTERS OF HOPES
FUNDING SOURCE	69999	

SECTION 3: The Mayor, on behalf of the City, is hereby authorized to accept all donations and grant funds contributed for the benefit of the City's Centers of Hope, without receiving further authorization or legislative approval, provided that said funds are deposited into the Centers of Hope Trust Account established in Section 2 above, provided that receipt of said funds is not contingent upon a financial commitment by the City, and provided that the Department of Parks, Recreation and Cultural Affairs maintains an updated list of the funds deposited into the Centers of Hope Trust Account,

including without limitation the name of the donor/grant provider, the date received, and the amount. Said list shall be made available upon request.

SECTION 4: Atlanta Code of Ordinances Section 2-910 (b) shall be amended so as to codify the provisions set forth in Section 3 above, and specifically to eliminate the requirement that DPRCA receive Council approval prior to accepting grants for Centers of Hope, provided that certain requirements are met. Accordingly, the first sentence of Section 2-910(b) shall be amended to add the bolded language below:

> "**Except as set forth in Section 2-910(e) below,** any grant application that is filed by or on behalf of the department of parks, recreation, and cultural affairs is not required to receive approval of the council prior to being filed, however the grant may not be accepted by the City of Atlanta until approved by the council. Any other grant application that is filed without the approval of the council shall be absolutely void and without authority."

In addition, Section 2-910 shall be amended by adding a new subsection (e) which shall read as follows:

> "Any grant application that is filed by or on behalf of the department of parks, recreation, and cultural affairs to obtain funds for the Centers of Hope, including funds for elements of the Centers of Hope such as programming, motorized equipment, supplies, personnel, and land/facility expenses, is not required to receive approval of the council prior to being filed. In addition, council approval shall not be required to accept the grant funds, provided that: (1) the Department of Parks, Recreation and Cultural Affairs provides a written update to the council listing each grant received, the amount of the grant, and the provider(s) of the grant; (2) the grant funds are deposited into the City's Centers of Hope Trust Account; and (3) the grant does not require financial commitment from the City. Should these three conditions not be met, council must authorize the acceptance of the grant.

SECTION 5: All ordinances and resolutions in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of said 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:

Committee of Purview: Finance/Executive Committee

Caption: AN ORDINANCE AUTHORIZING AND DIRECTING THE DEPARTMENT OF FINANCE TO CREATE A TRUST ACCOUNT FOR THE DEPOSIT OF ALL DONATIONS AND GRANT MONIES RECEIVED FOR THE CENTERS OF HOPE; AND TO AMEND SECTION 2-910 OF THE ATLANTA CODE OF ORDINANCES TO ALLOW CENTERS OF HOPE GRANT FUNDS TO BE RECEIVED WITHOUT COUNCIL AUTHORIZATION IN CERTAIN CIRUMSTANCES; AND FOR OTHER PURPOSES.

Council Meeting Date: October 4, 2010

Requesting Dept.: Department of Parks, Recreation and Cultural Affairs

B. To be completed by the department:

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

The purpose of this legislation is to create a Trust Account for the deposit of all donations and grant funds received for the Centers of Hope and to amend Section 2-910 of the Atlanta Code of Ordinances to allow Centers of Hope grant funds to be received without Council authorization.

2. Please provide background information regarding this legislation.

3. <u>If Applicable/Known:</u>

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc):

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center:

5. Source of Funds:

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By:

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE **ATTN: CANDACE BYRD**

Dept.'s Legislative Liaison: **Debra F. Harris**

Contact Number: **(404) 546-6795**

Originating Department: **Department of Parks, Recreation and Cultural Affairs**

Committee(s) of Purview: **Finance/Executive Committee**

Chief of Staff Deadline: **August 31, 2010**

Anticipated Committee Meeting Date(s): **September 29, 2010**

Anticipated Full Council Date: **October 4, 2010**

Legislative Counsel's Signature: **Robin Shahar**

Commissioner Signature:

Chief Procurement Officer Signature:

CAPTION

AN ORDINANCE AUTHORIZING AND DIRECTING THE DEPARTMENT OF FINANCE TO CREATE A TRUST ACCOUNT FOR THE DEPOSIT OF ALL DONATIONS AND GRANT MONIES RECEIVED FOR THE CENTERS OF HOPE; AND TO AMEND SECTION 2-910 OF THE ATLANTA CODE OF ORDINANCES TO ALLOW CENTERS OF HOPE GRANT FUNDS TO BE RECEIVED WITHOUT COUNCIL AUTHORIZATION IN CERTAIN CIRUMSTANCES; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 8/31/10 Reviewed by: _____
(date) (date)

Submitted to Council: _____

RCS# 555
9/20/10
2:47 PM

Atlanta City Council

REGULAR SESSION

CONSENT II

REFER

YEAS:	11
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	3
EXCUSED:	0
ABSENT	2

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

CONSENT II