



City of Atlanta Georgia

Ordinance 21-O-0048

Returned as HELD
Feb 1, 2021 1:00 PM

******AN ORDINANCE BY COUNCILMEMBERS DUSTIN HILLIS, CARLA SMITH, MATT WESTMORELAND, JOYCE M. SHEPERD, MICHAEL JULIAN BOND AND CLETA WINSLOW TO REQUEST THE ESTABLISHMENT BY THE ATLANTA DEVELOPMENT AUTHORITY, OF THE CITY OF ATLANTA (THE "AUTHORITY"), OF A MASTER PROGRAM FOR FINANCING OR REFINANCING THE ACQUISITION, DEVELOPMENT, CONSTRUCTION, EQUIPPING AND INSTALLATION OF THE BELTLINE TRAIL COMPLETION PROJECT THROUGH THE AUTHORIZATION BY THE AUTHORITY OF ITS MASTER DRAW-DOWN SPECIAL SERVICES DISTRICT TAX REVENUE BOND, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$100,000,000; TO AUTHORIZE THE EXECUTION, DELIVERY AND PERFORMANCE OF AN INTERGOVERNMENTAL AGREEMENT WITH THE ATLANTA DEVELOPMENT AUTHORITY OF THE CITY OF ATLANTA; TO AUTHORIZE ACKNOWLEDGEMENT OF SERVICE AND FILING OF AN ANSWER ON BEHALF OF THE CITY IN VALIDATION PROCEEDINGS TO BE BROUGHT IN VALIDATING THE MASTER DRAW-DOWN SPECIAL SERVICES DISTRICT TAX REVENUE BOND AND THE SECURITY THEREFORE; AND FOR OTHER PURPOSES.**

Information

Department:	Office of the Municipal Clerk	Sponsors:	Councilmember, District 9 Dustin Hillis, Councilmember, District 1 Carla Smith, Councilmember, Post 2 At Large Matt Westmoreland, Councilmember, District 12 Joyce M Sheperd, Councilmember, Post 1 At Large Michael Julian Bond, Councilmember, District 4 Cleta Winslow
Category:	Personal Paper	Functions:	None Required

Item Discussion

(This legislation is a dual referred item and will be forwarded to Finance/Executive Committee pending a Community Development/Human Services Committee recommendation)(Held 1/26/21 by the committee for further review)

Body

WHEREAS, the Authority and the City desire to enter into that certain Intergovernmental Agreement to be dated as of the first day of the month of the establishment of the Program (the "Intergovernmental Agreement"), under which the Authority has agreed to perform certain services and cause Atlanta BeltLine, Inc. to complete the BeltLine trail completion project as provided in Ordinance _____ and the City has agreed to pay or cause to be paid to the Trustee the net proceeds of the Special Services District Tax as consideration for the performance of such services in amounts sufficient to pay the principal of, redemption premium (if any) and interest on the Bonds (the "Intergovernmental Payments"); and

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

Section 1. Authority for Ordinance. This Ordinance is adopted under the provisions of the Constitution and the laws of the State of Georgia.

Section 2. Execution of Intergovernmental Agreement. The execution, delivery and performance of the Intergovernmental Agreement by the City relating to the Authority's agreement to perform certain services and cause Atlanta BeltLine, Inc. to complete the BeltLine trail completion project as provided in Ordinance _____ are hereby authorized. The Intergovernmental Agreement shall be in substantially the form attached hereto as Exhibit "1", as approved by the City Attorney as to such form, and the execution of the Intergovernmental Agreement by the Mayor as hereby authorized shall be conclusive evidence of any such approval.

Section 3. Affirmation of Special Services District Tax. The levy of the Special Services District Tax under Ordinance _____ is hereby affirmed.

Section 4. No Personal Liability. No stipulation, obligation or agreement herein contained or contained in the Intergovernmental Agreement shall be deemed to be a stipulation, obligation or agreement of any officer, director, agent or employee of the City in his or her individual capacity, and no such officer, director, agent or employee shall be personally liable on the Bonds or be subject to personal liability or accountability by reason of the issuance thereof.

Section 5. General Authority. From and after the execution and delivery of the documents hereinabove authorized, the proper officers, directors, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things to execute all such documents as may be necessary to carry out and comply with the provisions of the documents as authorized herein, and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the issuance of the Bonds and in conformity with the purposes and intents of this Ordinance.

Section 6. Actions Approved and Confirmed. All acts and doings of the officers of the City that are in conformity with the purposes and intents of this Ordinance and in furtherance of the issuance of the Bonds, and the execution, delivery and performance of the Intergovernmental Agreement shall be, and the same hereby are, in all respects approved and confirmed.

Section 7. Validation. The Mayor is hereby authorized to acknowledge service on behalf of the City of the validation petition to be filed by the District Attorney for the Atlanta Judicial Circuit seeing the validation of the Bonds and to verify the allegations contained in the answer to be prepared by the City Attorney seeking the validation of the Bonds and the security provided therefor.

Section 8. Severability of Invalid Provision. If any one or more of the agreements or provisions herein contained shall for any reason whatsoever be held invalid, then such covenants, agreements or provisions shall be null and void and shall be deemed separable from the remaining agreements and provisions and shall in no way affect the validity of any of the other agreements and provisions hereof or of the Bonds authorized hereunder.

Section 9. Repealing Clause. All resolutions or parts thereof of the City in conflict with provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.

Section 10. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Meeting History

Jan 19, 2021 1:00 PM Video **Atlanta City Council** **Regular Meeting**  **Draft**

REFERRED TO COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE AND FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

Jan 26, 2021 1:30 PM Video **Community Development/Human Services Committee** **Regular Committee Meeting**  **Draft**

RESULT: HELD IN COMMITTEE [UNANIMOUS]

MOVER: Matt Westmoreland, Chair, Post 2 At-Large

SECONDER: Dustin Hillis, District 9

AYES: Matt Westmoreland, Michael Julian Bond, Carla Smith, Dustin Hillis, Antonio Brown, Natalyn Mosby Archibong, Joyce M Sheperd

Jan 27, 2021 1:30 PM Video

Finance/Executive Committee

Regular Committee Meeting

 **Draft**

No Action Required. This item is being held in Community Development/Human Services Committee.

Feb 1, 2021 1:00 PM Video

Atlanta City Council

Regular Meeting

 **Draft**

RETURNED AS HELD TO COMMUNITY DEVELOPMENT/HUMAN SERVICES COMMITTEE WITHOUT OBJECTION

RESULT: RETURNED AS HELD