

A RESOLUTION OF THE CITY OF DUNWOODY, GEORGIA MAYOR AND CITY COUNCIL, TO ACQUIESCE TO DEKALB COUNTY SUSPENDING THE CURRENT HOMESTEAD OPTION SALES AND USE TAX AND LEVY AN EQUALIZED HOMESTEAD OPTION SALES AND USE TAX; TO AGREE WITH DEKALB COUNTY TO IMPOSE A ONE PERCENT SPECIAL PURPOSE LOCAL OPTION SALES AND USE TAX; SPECIFY THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH TAXES ARE TO BE USED; AGREE TO HAVE DEKALB COUNTY REQUEST THE ELECTION SUPERINTENDENT TO CALL AN ELECTION OF THE VOTERS OF DEKALB COUNTY TO APPROVE THE IMPOSITION OF SUCH SALES AND USE TAXES; APPROVE THE FORM OF BALLOT TO BE USED IN SAID ELECTIONS; AUTHORIZE THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT FOR THE USE AND DISTRIBUTION OF PROCEEDS FROM THE ONE PERCENT SPECIAL PURPOSE LOCAL OPTION SALES TAX; AND FOR OTHER PURPOSES.

WHEREAS, Part 2 of Article 2A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated allows suspension of the homestead option sales and use tax authorized by O.C.G.A. § 48-8-102 (the "HOST") and replacement of such tax with the imposition of an equalized homestead option sales and use tax (the "EHOST") for the purpose of reducing the ad valorem property tax millage rates levied by DeKalb County and DeKalb municipalities on homestead properties; and

WHEREAS, Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated authorizes the imposition of a county one percent sales and use tax (the "SPLOST") for the purpose, inter alia, of financing certain county and municipal capital outlay projects which include those set forth herein; and

WHEREAS, pursuant to O.C.G.A. § 48-8-109.2 the referendum election to determine whether to impose an EHOST must be held in conjunction with the referendum election to approve a SPLOST and unless both sales and use taxes are approved, neither shall become effective and HOST will continue without interruption; and

WHEREAS, the Mayor and City Council of the City of Dunwoody, Georgia (the "City") has determined that it is in the best interest of the citizens of the City, Georgia to suspend HOST and impose an EHOST to apply 100% of the proceeds collected from the tax to reduce ad valorem property tax millage rates and that it is further in the best interest of the City to impose a one percent SPLOST in a special district within the County to raise funds for the purpose of funding certain Municipal capital outlay projects, described in Exhibit B, attached hereto (the "Projects"); and

WHEREAS, the City shall enter into an intergovernmental agreement attached hereto as Exhibit A with DeKalb County and other DeKalb Municipalities for the purpose of delineating the method of distribution of the proceeds of the SPLOST and the delineation of the Projects that will be funded as a result; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Dunwoody, Georgia, as follows:

- A. Assuming the questions of imposing a County EHOST and SPLOST are approved by the voters of the special district in the election hereinafter referred to, the Mayor and City Council hereby Resolve to authorize the imposition of a one percent (1%) equalized homestead option sales and use tax levied for the purposes allowed by state law and as specified in O.C.G.A. §48-8-109.1 *et seq.*

- B. Assuming the questions of imposing a County EHOST and SPLOST are approved by the voters of the special district in the election hereinafter referred to, the Mayor and City Council hereby Resolve that the SPLOST shall be imposed for the term, purposes and costs as follows:
 1. In order to finance the cost of the Projects, a SPLOST in the amount of one percent (1%) on all sales and uses in the City is to be levied and collected within the City as provided in Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia.
 2. Proceeds of such tax are to be used to fund the cost of the Projects. The Projects consist of those attached hereto as Exhibit B, along with the cost estimate of said Projects.
 3. Proceeds of the SPLOST shall be distributed according to the provisions of O.C.G.A. § 48-8-109.5(e) and (f). Because of annexations and new cities coming into existence after any decennial census, the County and the Municipalities have agreed on an Intergovernmental Agreement attached hereto as Exhibit A to account for changes in population between each decennial census. The City agrees to the imposition of the SPLOST period of six (6) years with the City receiving 6.908% of the SPLOST proceeds collected.

- C. General Obligation Debt.
 1. The Board of Commissioners is requested to insert in its resolution calling for the election for the SPLOST the following language:

“The County has been advised that the City of Dunwoody wishes to issue general obligation debt in conjunction with the imposition of the SPLOST. The principal amount of the general obligation debt of the City of Dunwoody to be issued shall not exceed \$36,000,000. The purpose for which the debt is to be issued shall be to pay all or a portion of the cost for the capital outlay projects of the City of Dunwoody, the costs of issuing the Debt, and capitalized interest. The maximum rate or rates of interest on such debt shall not exceed six percent (6.00%) per annum.

”

The maximum amount of principal to be paid in each year during the life of the debt shall be as follows:

<u>Year</u>	<u>Amount</u>
2019	\$6,000,000
2020	\$6,000,000
2021	\$6,000,000
2022	\$6,000,000
2023	\$6,000,000
2024	\$6,000,000

If more than one-half of the votes cast in the County and more than one half of the votes cast in the City of Dunwoody are in favor of imposition of the SPLOST, then the authority to issue debt on behalf of the City of Dunwoody in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the governing authority of the City of Dunwoody; otherwise such debt shall not be issued. If the authority to issue such debt is so approved by the voters, then such debt may be issued by the governing authority of the City of Dunwoody without further approval by the voters."

2. The proceeds of the Debt shall be deposited by the City in separate funds or accounts. The SPLOST proceeds received in any year pursuant to the imposition of such tax, shall first be used for paying debt service requirements on the Debt for any such year before such proceeds are applied to any of the Projects authorized above. Proceeds of the SPLOST not required to be deposited in the separate fund in any year for the payment of principal and interest on the Debt coming due in the current year shall be deposited in a separate fund to be maintained by the City and applied towards funding the City Projects to the extent such projects have not been funded with debt proceeds.
3. Any brochures, listings, or other advertisements issued by the City or by any other person, firm, corporation or association with the knowledge and consent of the Mayor and City Council, shall be deemed to be a statement of intention of the City concerning the use of the proceeds of the Debt, and such statement of intention shall be binding upon the Mayor and City Council in the expenditure of such Debt or interest received from such Debt to the extent provided in Section 3682-1 of the Official Code of Georgia Annotated.

D. Call for the Election; Ballot Form; Notice.

1. The City Council hereby authorizes on its behalf for DeKalb County to request the Board of Elections to call an election in all voting precincts in the County on the 7th day of November, 2017, for the purpose of submitting to the qualified voters of the County the questions set forth in paragraphs 2 and 3 below.
2. The ballots to be used in the EHOST and SPLOST referendum election will be written or printed thereon substantially the following:

NOTICE TO ELECTORS: Unless **BOTH** the equalized homestead option sales and use tax (EHOST) **AND** the special purpose local option sales and use tax (SPLOST) are approved, then neither sales and use tax shall become effective.

<input type="checkbox"/> YES	Shall an equalized homestead option sales and use tax be levied and the regular homestead option sales and use tax be suspended within the special district within DeKalb County for the purposes of reducing the ad valorem property tax millage rates levied by the County and municipal governments on homestead properties?
<input type="checkbox"/> NO	

<input type="checkbox"/> YES	Shall a special 1 percent sales and use tax be imposed in the special district of DeKalb County for a period of time not to exceed six (6) years and for the raising of an estimated amount of \$636,762,352 for the purpose of funding capital improvement projects related to <i>[All City and County projects to be included herein]</i>
<input type="checkbox"/> NO	

- E. The DeKalb County Board of Commissioners and the Board of Elections of DeKalb County are requested to place the following language on the referendum ballot for the consideration by the voters:

<p>() YES</p>	<p>Shall a special 1 percent ... (H) Dunwoody related to transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails); Congestion Relief (intersection improvements, road widenings, traffic management, and signal upgrades); Safety and Operational Improvements (addition/extension of turn lanes, elimination of sight distance problems and other safety concerns, as well as widened lanes and shoulders); Public Safety Facilities and Related Capital Equipment; and Repairs of Capital</p>
	<p>Outlay Projects up to 15% of the total tax collected by Dunwoody...</p> <p>If imposition of the taxes is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of DeKalb County ... and approval of the issuance of general obligation debt of the City of Dunwoody in the principal amount of \$36,000,000 for the above-described capital outlay projects of the City of Dunwoody.</p>

F. The DeKalb County Board of Commissioners and the Board of Elections of DeKalb County are requested to insert in the Notice for the election for the SPLOST the following language:

"If more than one-half of the votes cast in the County and more than one half of the votes cast in the City of Dunwoody are in favor of imposition of the SPLOST, the City of Dunwoody, acting by and through its governing body, may issue general obligation debt, in an aggregate principal amount not to exceed \$36,000,000. The proceeds from such general obligation debt, if issued, shall be used to fund all or a portion of the capital outlay projects of the City of Dunwoody described in the foregoing question, the costs of issuing the Debt, and capitalized interest. The maximum rate or rates of interest on such debt shall not exceed six percent (6.00%) per annum. The maximum amount of principal to be paid in each year during the life of the debt shall be as follows:

<u>Year</u>	<u>Amount</u>
2019	\$6,000,000

2020	\$6,000,000
2021	\$6,000,000
2022	\$6,000,000
2023	\$6,000,000
2024	\$6,000,000

The governing body of the City of Dunwoody may issue aggregate general obligation debt which is less than \$36,000,000 and reduce the principal amounts maturing which are shown above."

- G. The City Clerk is hereby authorized and directed to deliver a copy of the resolution to DeKalb County, along with the listing of the Projects and all other documentation necessary for effectuation of the Election Call.
- H. The proper officers and agents of the City are hereby authorized to take any and all further actions as may be required in connection with the imposition of the EHOST and SPLOST.

SO RESOLVED AND EFFECTIVE, This 18th day of September, 2017.

Approved By:


Denis L. Shortal, Mayor

ATTEST:


Sharon Lowery, City Clerk

(Seal)

EXHIBIT B
DUNWOODY 2017 SPLOST PROJECT LIST

Item #	Purpose	Funding
1	Transportation improvement projects including, but not limited to Infrastructure Preservation (road resurfacing, replacement and rehabilitation of bridges and drainage systems); Pedestrian and Bicycle Path Improvements (addition of sidewalks, streetscapes, bike lanes, and multi-use trails); Congestion Relief (intersection improvements, road widenings, traffic management, and signal upgrades); Safety and Operational Improvements (addition/extension of turn lanes, elimination of sight distance problems and other safety concerns, as well as widened lanes and shoulders)	\$36,787,543
2	Public Safety Facilities and Related Capital Equipment	\$6,000,000
3	Repairs of Capital Outlay Projects	\$1,200,000
Total		\$43,987,543