

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; 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 A, attached hereto (the "Projects"); and

WHEREAS, the City has entered into an intergovernmental agreement 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 A, 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 to account for changes in population between each decennial census. The City agrees to the imposition of the SPLOST period of no less than five (5) and no more than six (6) years.

- C. General Obligation Debt.
 - 1. The City is hereby authorized to issue general obligation debt (the "Debt"), for the City Projects secured by the proceeds of the SPLOST, in a maximum aggregate principal amount of \$_____. The Proceeds of the Debt, if issued, shall be used to pay a portion of the costs of the Projects, and the costs of issuing the Debt. The Debt shall bear interest from the date of issuance of the Debt or from such other date as may be designated by the City prior to the issuance of the Debt, at a rate(s) to be determined in a supplemental resolution to be adopted by the City prior to the issuance of the debt, which rate shall not exceed ___% per annum. The 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>
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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 36-82-1 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 8th day of November, 2016, 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.

() 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?
() 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 [<i>\$661,000,000.00 for five years or \$793,000,000.00 for six years</i>] 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	

If imposition of the taxes are approved by more than one-half of the voters, such vote shall also constitute approval of the issuance of general obligation debt of the City of Dunwoody in the principal amount of \$_____ for the above Projects, to pay capitalized interest incident thereto, and to pay expenses incident to accomplishing the foregoing.

- E. 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.
- F. 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 ____ day of _____, 2016.

Approved By:

Dennis L. Shortal, Mayor

ATTEST:

Sharon Lowery, City Clerk

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