

SPECIAL CALLED MEETING

The Spalding County Board of Commissioners held this Special Called Meeting in Room 108 in the Courthouse Annex, Monday, August 28, 2008 beginning at 5:45 o'clock p.m. with Chairman Edward Goss, Jr. presiding and Commissioners Johnie McDaniel and David Phillips present. Also present were County Manager William P. Wilson, Jr., Assistant to the County Manager Paul Van Haute and Executive Secretary Teresa Watson.

I. Call to Order

II. New Business

A. Consider Resolution calling for a November 4, 2008 SPLOST referendum.

Mr. Wilson explained the resolution drafted by bond counsel King and Spalding that will officially call for a November 4, 2008 SPLOST referendum. Once approved, the SPLOST committee can begin their work of public education.

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF SPALDING COUNTY, GEORGIA AUTHORIZING THE IMPOSITION OF A ONE PERCENT SALES AND USE TAX AS AUTHORIZED BY ARTICLE 3 OF CHAPTER 8 OF TITLE 48 OF THE OFFICIAL CODE OF GEORGIA ANNOTATED; SPECIFYING THE PURPOSES FOR WHICH THE PROCEEDS OF SUCH TAX ARE TO BE USED; SPECIFYING THE PERIOD OF TIME FOR WHICH SUCH TAX MAY BE IMPOSED; SPECIFYING THE ESTIMATED COST OF THE CAPITAL OUTLAY PROJECTS TO BE FUNDED FROM THE PROCEEDS OF SUCH TAX; AUTHORIZING THE ISSUANCE OF CERTAIN GENERAL OBLIGATION DEBT SECURED BY THE PROCEEDS OF SUCH TAX; SPECIFYING THE MAXIMUM PRINCIPAL AMOUNT OF SUCH GENERAL OBLIGATION DEBT TO BE ISSUED; SPECIFYING THE PURPOSE FOR WHICH SUCH GENERAL OBLIGATION DEBT IS TO BE ISSUED; SPECIFYING THE MAXIMUM INTEREST RATE OR RATES OF INTEREST WHICH SUCH GENERAL OBLIGATION DEBT MAY BEAR; SPECIFYING THE PRINCIPAL AMOUNT TO BE PAID IN EACH YEAR DURING THE LIFE OF SUCH GENERAL OBLIGATION DEBT; REQUESTING THE BOARD OF ELECTIONS OF SPALDING COUNTY TO CALL AN ELECTION OF THE VOTERS OF THE SPECIAL DISTRICT OF SPALDING COUNTY TO APPROVE THE ISSUANCE OF SUCH GENERAL OBLIGATION DEBT; APPROVING THE FORM OF BALLOT TO BE USED IN SUCH ELECTION; AND FOR OTHER PURPOSES

WHEREAS, Section 48-8-110 *et seq.* of the Official Code of Georgia Annotated, as amended (the "Act"), authorizes the imposition of a one percent sales and use tax for the purpose, *inter alia*, of financing certain capital outlay projects; and

WHEREAS, a meeting was held by the special district of Spalding County (the "County") and the Cities of Griffin ("Griffin"), Orchard Hill ("Orchard Hill"), and Sunny Side ("Sunny Side," and together with Griffin and Orchard Hill, the "Cities") on July 21, 2008, at least 30 days prior to the date of adoption of this resolution, to discuss the capital outlay projects that would be included in the proposed referendum; and

WHEREAS, the Board of Commissioners of Spalding County (the "Board") provided written notice by mail at least 10 days in advance of such meeting to the chief elected official of each of the Cities which constitute all of the Qualified Municipalities (as such term is defined in the Act) located within the County, notifying them of the date, time, location and purpose of the meeting; and

WHEREAS, the County and the Cities propose to enter into a Special Purpose Local Option Sales Tax Intergovernmental Contract (the "Contract," attached hereto as Exhibit "A"), dated as of July 1, 2008, which the Cities have executed and delivered to the County at this meeting for the County's approval and execution; and

WHEREAS, the Board has determined that it is in the best interest of the citizens of the County that a one percent sales and use tax be imposed in the County to raise an estimated amount of approximately \$54,000,000 for the purposes of funding the projects referred to in the Contract (collectively, the "Projects"); and

WHEREAS, the Board has also determined that it is in the best interest of the citizens of the County to issue general obligation debt (the "Bonds") not to exceed \$15,500,000, which will be secured by the proceeds of such sales and use tax and will fund certain of the Projects; and

WHEREAS, proceeds of the one percent sales and use tax will first be applied to pay debt service on the Bonds prior to being used to pay other costs of the Projects; and

WHEREAS, the County has determined that, during each year in which any payment of principal or interest on the Bonds will come due, the County will receive net proceeds from the sales and use tax proceeds authorized by this resolution sufficient to fully satisfy the County's obligation to pay such principal and interest on a current basis.

NOW, THEREFORE, BE IT RESOLVED by the Board, and it is hereby resolved by authority of the same as follows:

Section 1. Authorization of Sales and Use Tax. In order to finance the Projects, there is hereby authorized to be levied and collected within the County a sales and use tax in the amount of one percent on all sales and uses the County as provided in the Act. As required by Section 48-8-111(a) of the Act, the proceeds of such tax will be used to

finance the capital outlay projects referred to in the Contract, and the estimated amount of sales tax allocable to each of such Projects is shown on such Contract.

Such sales and use tax is hereby authorized to be imposed for a period of 24 consecutive calendar quarters commencing on January 1, 2009.

Assuming that the imposition of such sales and use tax and the issuance of the Bonds is approved by the voters of the County in the election hereinafter referred to, the County is hereby authorized to issue the Bonds (in whole or in part), secured by the proceeds of such sales and use tax, in the aggregate principal amount of not to exceed \$15,500,000. The Bonds shall bear interest from the first day of the month during which the Bonds are to be issued or from such other date as may be designated by the County prior to the issuance of the Bonds, at a rate or rates to be determined in a supplemental resolution to be adopted by the County prior to the issuance of the Bonds, which rate or rates shall not exceed 6.0% per annum, payable semiannually on the first days of March and September in each year until paid, commencing on March 1, 2009, and the maximum amount of principal to be paid on March 1 in each year during the life of such debt shall be as follows:

<u>Date</u>	<u>Amount</u>
2011	\$ 2,900,000
2012	3,000,000
2013	3,100,000
2014	3,200,000
2015	3,300,000

The proceeds of the Bonds shall be deposited by the County in a separate account or accounts for the purpose of funding the Project of the County shown in the Contract (collectively, the "Bond Financed Projects"), and any interest earnings on such proceeds shall be similarly applied by the County.

Sales and use tax proceeds received in any year pursuant to the imposition of such taxes shall first be used for paying debt service requirements on the Bonds for any such year before such proceeds are applied for the purposes authorized above. Proceeds of the sales and use tax not required to be deposited in the separate fund in any year for the payment of principal and interest on the Bonds coming due in the current year shall be deposited in a separate trust fund to be maintained by the County and applied toward funding the Projects to the extent such Projects have not been funded with Bond proceeds as provided in the Contract.

Section 2. Call for Election. There is hereby called an election to be held in all the voting precincts in the County on the 4th day of November, 2008, for the purpose of submitting to the qualified voters of the County the question set forth in Section 4 below.

Section 3. Form of Ballot. The ballots to be used in such election should have written or printed thereon substantially the following:

- | | | |
|---------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| / <u> </u> / | YES | Shall a special one percent sales and use tax be imposed in the special district consisting of Spalding County for a period of time not to exceed 24 calendar quarters and for the raising of an estimated amount of \$54,000,000 for the purpose of funding the following projects: (i) for Spalding County (A) acquisition, construction and development of property for the Griffin-Spalding Development Authority, (B) acquisition, construction, additions to Griffin Technical College, (C) acquisition of bus for use by senior citizens and other residents, (D) water and sewerage system improvements and (E) roads, streets, bridges and transportation improvements and equipment; (ii) for the City of Griffin (A) roads, streets, bridges and transportation improvements and equipment; (iii) for the City of Orchard Hill (A) walking trails and recreation improvements, (B) park improvements, including parking and (C) improvements, equipment and additions to City Hall; and (iv) for the City of Sunny Side (A) walking trails and recreation improvements, (B) construction of pavilion and related improvements and (C) improvements, equipment and additions to City Hall? If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of Spalding County in the principal amount of not to exceed \$15,500,000 for the purpose of funding a portion of the acquisition, construction and development of property for the Griffin-Spalding Development Authority project for the County described above. |
| / <u> </u> / | NO | |

Section 4. Manner of Election. The date of such election shall be and is hereby set for November 4, 2008, and the polls of each election district of the County shall be open at 7:00 a.m. and close at 7:00 p.m., and the election shall be held by the same persons and under and in accordance with the election laws of the State of Georgia, and the returns of such election shall be made to the Board of Commissioners of Spalding County and the Board of Elections of Spalding County (the "Board of Elections"), which shall count the votes, consolidate the returns, and declare the result of such election in the manner required by law.

Section 5. Publication of Notice of Election. The Board of Elections is hereby authorized and requested to publish the notice of such election as required by law in the newspaper in which Sheriff's advertisements for the County are published once a week for five weeks immediately preceding the date of the election in substantially the form attached hereto as Exhibit "B." Prior to the date of the election authorized herein, there shall be appointed proper Election Managers and Clerks to supervise and hold said election.

Section 6. Property Tax Levy. Should the Bonds be authorized by the requisite number of qualified voters, the Board shall levy a tax upon all property subject to taxation for general obligation bond purposes within the County sufficient in amount to pay the principal of and interest on the Bonds at their respective maturities to the extent of any deficiency in the sales and use tax proceeds.

Section 7. Notice to Board of Elections. The Clerk of the Board of Commissioners of the County is hereby authorized and directed to deliver a copy of this resolution to the Board of Elections, with a request that the Board of Elections join in this call of the election.

Section 8. Advertisements as Binding Statements of Intention. As required by Section 36-82-1(d) of the Official Code of Georgia Annotated, any brochures, listings or other advertisements issued by the County or by any other person, firm, corporation or association with the knowledge and consent of the County, shall be deemed to be a statement of intention of the County concerning the use of the proceeds of the Bonds, and such statement of intention shall be binding on the County in the expenditure of any such bond funds or interest received from such bond funds which have been invested.

Section 9. Further Authority. The proper officers and agents of the County are hereby authorized to take any and all further actions as may be required in connection with the imposition of such sales and use tax, the acquisition, construction, and installation of the projects above described, and the issuance of the Bonds as herein provided.

Section 10. Effective Date. This Resolution shall take effect immediately upon its adoption. This 28th day of August, 2008.

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Spalding County, DO HEREBY CERTIFY that the foregoing pages of typewritten matter constitute a true and correct copy of a resolution adopted by the Board of Commissioners of Spalding County, Georgia on August 28, 2008, at a meeting which was duly called and assembled and open to the public and at which a quorum was present and acting throughout, which resolution has not been modified, repealed, revoked or rescinded as of the date hereof.

Motion/second to adopt the Resolution calling for a November 4, 2008 SPLOST referendum by Commissioners McDaniel and Phillips carried unanimously at 3-0.

III. Other Business

IV. Adjournment

Motion/second by Commissioners McDaniel and Phillips to adjourn at 5:50 p.m., carried by a unanimous 3-0 vote.

Chairman

County Clerk