

RESOLUTION R - 05 - 20

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF DADE COUNTY TO REIMPOSE, LEVY, AND COLLECT A SPECIAL SALES AND USE TAX WITHIN DADE COUNTY, CONDITIONED UPON APPROVAL BY A MAJORITY OF THE QUALIFIED VOTERS RESIDING WITHIN DADE COUNTY VOTING IN A REFERENDUM THEREON TO BE HELD MAY 19, 2020; TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION DEBT OF DADE COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners of Dade County (the “**Board of Commissioners**”) has considered and evaluated the provisions of Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated (the “**Act**”), which authorizes a special county one percent sales and use tax for various capital outlay projects including the payment of previously incurred general obligation debt, and has considered the effects of the implementation of such special one percent sales and use tax (the “**Special Sales Tax**”) upon Dade County (the “**County**”) and its residents; and

WHEREAS, a Special Sales Tax is currently being collected in the County, as approved by a majority of the voters of the County voting in an election held for such purpose on May 20, 2014, which tax was imposed beginning July 1, 2015, which tax the County anticipates will cease to be collected on June 30, 2021; and

WHEREAS, the Board of Commissioners has determined that it is in the best interest of the citizens of the County that the imposition of the Special Sales Tax continue and that such tax be reimposed in the County beginning July 1, 2021, or the beginning of the next succeeding calendar quarter after the Special Sales Tax currently being imposed raises the amount authorized by the voters in 2014, said new Special Sales Tax to be imposed for the purpose of funding the various capital outlay projects described in the Notice of Election (the “**Notice of Election**”) attached hereto as Exhibit A; and

WHEREAS, the Board of Commissioners recognizes that in order to facilitate the acquisition, construction, and equipping of a portion of the capital outlay projects for the County and the City of Trenton (the “**City**”) described herein, it may be necessary to issue general obligation debt (the “**Bonds**”) for such purposes; and

WHEREAS, prior to the vote of the Board of Commissioners on this resolution, the Board of Commissioners caused to be delivered or mailed a written notice to the Mayor of the City, which is the only qualified municipality located within the County, containing the date, time, place, and purpose of a meeting at which the governing authorities of the County and the City met, on October 1, 2019, to discuss the possible projects for inclusion in the referendum called by this resolution; and

WHEREAS, Official Code of Georgia Annotated (“**O.C.G.A.**”) § 48-8-111(a)(1)(D) authorizes the Special Sales Tax to be imposed for the purpose of providing funds to be used and expended on a capital outlay project or projects to be owned or operated, or both, either by the County, the City, or any combination thereof, with respect to which the County has, prior to the call of the election, entered into an intergovernmental contract or agreement, as authorized by Article IX, Section III of the Constitution, with one or more qualified municipalities in the County, which municipality or municipalities contain more than one-half of the aggregate population of all municipalities within the County; and

WHEREAS, the County has considered, approved, and executed an intergovernmental agreement (the “**Intergovernmental Agreement**”) with the City, the Dade County Industrial Development Authority (the “**Industrial Development Authority**”), and the Dade County Water and Sewer Authority (the “**Water and Sewer Authority**”), to allocate proceeds of the Special Sales Tax for the capital outlay projects described in the Intergovernmental Agreement and in the notice of election attached hereto; and

WHEREAS, the projects for the County, the projects for the Industrial Development Authority, described herein as the “**IDA Projects**”, and the projects for the Water and Sewer Authority, described herein as the “**WSA Projects**”, are collectively defined herein as the “**County Projects**”; and

WHEREAS, the Intergovernmental Agreement allocates \$2,600,000 of the Special Sales Tax proceeds to fund the City Projects described in the Intergovernmental Agreement and in the notice of election attached hereto; and

WHEREAS, the Intergovernmental Agreement allocates \$1,200,000 of the proceeds of the Special Sales Tax to fund the IDA Projects described in the Intergovernmental Agreement and in the notice of election attached hereto; and

WHEREAS, the Intergovernmental Agreement allocates \$1,200,000 of the proceeds of the Special Sales Tax to fund the WSA Projects described in the Intergovernmental Agreement and in the notice of election attached hereto; and

WHEREAS, the Intergovernmental Agreement allocates the remaining balance of the proceeds of the Special Sales Tax to fund the County Projects described in the Intergovernmental Agreement and in the notice of election attached hereto in the order and priority determined by the Board of Commissioners; and

WHEREAS, the Board of Commissioners desires to provide the voters of the County with the opportunity to vote pursuant to law in favor of or

against the reimposition of the Special Sales Tax and authorization for the issuance of general obligation indebtedness in anticipation of the collection thereof; and

WHEREAS, the Board of Commissioners has determined and declared that based upon current sales tax collections during each year in which any payment of principal of or interest on such general obligation debt of the County will come due, the County will receive from the Special Sales Tax authorized by this resolution net proceeds sufficient to satisfy the County's obligation with respect to payment of such principal and interest, including capitalized interest, on a current basis.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Dade County in public meeting assembled, and it is hereby resolved by the authority of the same, that:

1. The Board of Commissioners of Dade County, subject to the assent of a majority of the qualified voters of the County voting in an election for such purpose, shall impose within the County a Special Sales Tax for a period of six years for the raising of an estimated \$16,000,000 for the acquisition, construction, and equipping of the capital outlay projects set forth in the Notice of Election attached hereto and made a part hereof as Exhibit A. If imposition of the Special Sales Tax is approved by the voters of the County, the Board of Commissioners shall be authorized to issue general obligation debt of the County in a principal amount not to exceed \$4,000,000, up to \$500,000 of which, less costs of issuance and capitalized interest, shall be allocated to fund a portion of the City Projects, and up to \$3,500,000 of which, less costs of issuance and capitalized interest, shall be allocated to fund a portion of the County Projects. Such general obligation debt shall be payable first from the proceeds of the Special Sales Tax; however, such general obligation debt which is not satisfied from the proceeds of the Special Sales Tax may be satisfied from the general funds of the County or from *ad valorem* taxes which may be levied for such purpose.
2. The period of time for which the Special Sales Tax shall be imposed shall be six years. The Special Sales Tax shall be collected beginning upon the termination of the sales tax now in effect which the County anticipates will expire on June 30, 2021. Based on current projections, the County anticipates that the tax will be imposed beginning July 1, 2021, and shall cease to be imposed on June 30, 2027. Proceeds received from the Special Sales Tax shall be kept in a separate account from other funds of the County in accordance with O.C.G.A. § 48-8-121.
3. The estimated cost of the capital outlay projects which will be funded from proceeds of the Special Sales Tax, if approved by the voters, will be \$16,000,000, including interest and costs of issuance on the general obligation debt which may be incurred by the County, which estimated cost is the estimated amount of net proceeds to be raised by the Special Sales Tax.

4. The proceeds of Bonds allocated for the City Projects and proceeds of the Special Sales Tax not required for payment of debt service on the Bonds shall be expended in such order and priority as determined by the City Commission of the City. Proceeds of the Bonds allocated for the County Projects and proceeds of the Special Sales Tax not required for payment of debt service on the Bonds shall be expended for the County Projects in the order of priority and in such amounts as determined by the Board of Commissioners of the County.
5. General obligation debt of the County in the maximum principal amount of \$4,000,000 may be issued in conjunction with the imposition of the Special Sales Tax. The purpose for which the debt is to be issued shall be to pay for all or a portion of the City Projects, and all or a portion of the County Projects, including capitalized interest on said debt. 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>Principal Amount Maturing</u>
Year 1	\$790,000
Year 2	800,000
Year 3	810,000
Year 4	815,000
Year 5	835,000
Year 6	850,000

6. A copy of this resolution shall be delivered to the Board of Elections and Registration of Dade County, as election superintendent (the "**Election Superintendent**"), and the Election Superintendent is requested to issue the call for the election to be held on May 19, 2020, for the purpose of submitting the question of the imposition of the Special Sales Tax to the voters of the County. **Such call shall be issued not less than 60 days prior to the date of the election.** The Election Superintendent shall cause the date and purpose of the election to be published once at least 60 days preceding the date of the election and once each week for the four weeks preceding the date of the election in the official organ of the County and the Notice of Election will be substantially in the form attached hereto and made a part hereof as Exhibit A.
7. All qualified voters desiring to vote in favor of imposing the Special Sales Tax shall vote "Yes" and all qualified voters opposed to levying the Special Sales Tax shall vote "No." If more than one-half of the votes cast are in favor of imposing the Special Sales Tax, then the Special Sales Tax shall be imposed as provided by Georgia law. Otherwise the Special Sales Tax shall not be imposed and the question of imposing the Special Sales Tax shall not again be submitted to the voters of the County until after twelve months immediately following the month in which the election is to be held. The Election Superintendent shall hold and conduct the election under the same rules and regulations as govern special elections. The Election Superintendent shall canvass the

returns, declare the results of the election, and certify the results to the Secretary of State and to the Commissioner of the Department of Revenue of the State of Georgia.

8. If more than one-half of the votes cast are in favor of imposition of the Special Sales Tax, then authority is given to the Board of Commissioners to issue debt in accordance with Article IX, Section V, Paragraph I of the Constitution of the State of Georgia; 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 without further approval by the voters. The County Clerk is hereby authorized and directed to deliver a certified copy of this resolution to the Election Superintendent.
9. 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 (a) the calling and holding of the special election, (b) the imposition of the Special Sales Tax, (c) the acquisition, construction, and equipping of the County Projects described herein including the allocation of Sales Tax Proceeds for the IDA Projects and the WSA Projects, and (d) the issuance of general obligation debt of the County as herein provided. The execution and delivery of the Intergovernmental Agreement by the County prior to the adoption of this resolution is hereby ratified and confirmed. The proper officers and agents of the County are further authorized to retain the services of Raymond James & Associates, Inc., Atlanta, Georgia, to provide placement agent or underwriting services and the firm of Gray Pannell & Woodward LLP, Savannah, Georgia, as bond counsel with regard to the proper issuance of the general obligation indebtedness authorized hereby and as disclosure counsel with regard to a public offering, if any, with regard to said general obligation indebtedness.
10. Upon the issuance of such general obligation debt the County may levy an *ad valorem* 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 said general obligation debt to the extent of any deficiency in capitalized interest set aside to pay interest on the general obligation debt prior to the collection of sufficient Sales Tax proceeds for such purpose.
- 11.(a) The Board of Commissioners reasonably expects that, prior to issuance of such debt, it may be necessary for the County or the City to expend funds on the acquisition, construction, and equipping of the City Projects and the County Projects, and the County wishes to be reimbursed for such expenditures from proceeds from the sale of such general obligation debt. Therefore, subject to approval of the voters of the County, the County hereby declares its official intent, if deemed necessary, to issue general obligation debt in the principal amount not to exceed \$4,000,000 and to reimburse original expenditures on said capital outlay projects in the maximum principal amount of \$4,000,000 with proceeds from the sale of such debt (to the extent permitted by

§ 1.150-2 of the Treasury Regulations). The City and the County will pay original expenditures on the capital outlay projects from a construction or other account maintained by the City or the County.

(b)The County and the City shall make their reimbursement allocations not later than 18 months after the later of (i) the date the original expenditure is paid or (ii) the date the capital outlay projects are placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

12. All resolutions or parts of resolutions, if any, in conflict herewith shall be and the same are hereby repealed.

SO RESOLVED, APPROVED AND ADOPTED in public meeting this 6th day of February, 2020.

**BOARD OF COMMISSIONERS
DADE COUNTY, GEORGIA**



BY: /s/ _____
TED M. RUMLEY
Chairperson/County Executive

ATTEST:

BY: /s/ _____
DON TOWNSEND
County Clerk

NOTICE OF SPECIAL PURPOSE SALES
AND USE TAX ELECTION ON MAY 19, 2020

Pursuant to a resolution adopted by the Board of Commissioners of Dade County on February 6, 2020, and a call for an election issued by the Board of Elections and Registration of Dade County as Election Superintendent for Dade County, notice is hereby given as follows:

1. On May 19, 2020, a special election will be held in Dade County to submit to the qualified voters of Dade County the following question:

REIMPOSE 1% SALES AND USE TAX

- () YES
- () NO
- Shall a special one percent sales and use tax be reimposed in Dade County for a period of time of six (6) years and for the raising of an estimated amount of \$16,000,000 for the purpose of funding the following capital outlay projects within Dade County: (i) for Dade County, road, street, and bridge purposes, which purposes may include sidewalks and bicycle paths, and capital equipment therefore; renovation, repair, furnishings, equipment, message center, and upgrades to technology for the Senior Citizens Building; public safety facilities, technology, vehicles, and equipment for the fire departments, mountain rescue, emergency 911, and other county emergency services; vehicles and facilities for various County departments which may include the road department, sheriff's department, recreation department, extension agency, assessor's office, jail, public works, and various administration offices; adding to, remodeling, and renovating county facilities and acquiring any property, both real and personal, and equipment necessary therefore, which may include the administration buildings, court facilities, transfer station, county jail, recreation facilities, animal control, and the old courthouse; sealing and striping of county-owned parking lots; the acquisition of property for the construction and renovation of community center buildings, which may include recreational facilities and storm shelters; improvements to technology serving various County facilities; purchasing new books, computers, technology, a security system, and equipment for the Dade County Library; furniture, fixtures, and equipment for new animal control shelter; installation of LED lighting, message center, and construction of multipurpose county building for recreation, and youth programs; payment for the new boiler and other energy saving equipment for the County; construction of facilities and purchase of furniture, fixtures, and equipment for natural disaster preparation and mitigation, and for repair of capital outlay projects, including, but not limited to,

roads, streets, and bridges, located, in part or in whole, within Dade County that have been damaged or destroyed by a natural disaster; and any real and personal property necessary for the projects described herein; (ii) for the Dade County Industrial Development Authority various capital outlay projects for the benefit of the County including the acquisition of land for future industrial and commercial expansion and development; construction of infrastructure and other improvements for the expansion and development of industrial and commercial facilities in the County; adding to, remodeling, and renovating of Industrial Development Authority property; and acquiring any property, both real and personal, for the projects described herein, as part of the County Projects for the benefit of the citizens of the County (the “**IDA Projects**”); (iii) for the Dade County Water and Sewer Authority, funds to construct, erect, acquire, own, remodel, equip, install, operate, and maintain water mains and sewage projects; including the acquisition of real property, equipment, vehicles, construction of improvements, required for such purposes and necessary therefore; and acquiring any property, both real and personal, for the projects described herein, as part of the County Projects for the benefit of the citizens of the County (the “**WSA Projects**”); and (iv) for the City of Trenton, public safety facilities, vehicles and equipment for police and fire departments; adding to, remodeling, constructing and renovating facilities and the purchase of equipment for waste water treatment and utilities; road, street, and bridge purposes, which purposes may include sidewalks, bicycle paths and capital equipment therefore; new construction, renovations and equipment for parks and recreation and for city animal control facilities; renovations and equipment for city hall and city administration; and acquiring any property, both real and personal, for the projects described herein (the “**City Projects**”)?

Exhibit A-1

If imposition of the tax is approved by the voters, such vote shall also constitute approval of the issuance of general obligation debt of Dade County in the principal amount not to exceed \$4,000,000 for the above described capital outlay projects of the City and the County.

2. All qualified voters desiring to vote in favor of imposing the tax shall vote “Yes” and all qualified voters opposed to levying the tax shall vote “No.” If more than one-half of the votes cast are in favor of imposing the tax then the tax shall be imposed beginning July 1, 2021, or the earliest date authorized by law.
3. The estimated cost of the above described capital outlay projects to be funded with the special sales and use tax proceeds, including interest and capitalized interest and cost of issuance on the general obligation debt to

be incurred, shall be \$16,000,000. Proceeds from the special sales and use tax and the general obligation debt may be combined with and any other available funds to pay the costs of the above described capital outlay projects. Plans and specifications for these projects have not been completed and bids have not been received. Depending upon acquisition and construction costs and available funds, the County and the other governmental bodies receiving proceeds from the special sales and use tax and general obligation debt may establish or reestablish priorities and choose which capital outlay projects to undertake or not undertake, or to delay until additional funding is available, to the extent that proceeds of the special sales and use tax and the general obligation debt together with other available funds actually received by the County or such governmental body are insufficient to complete any of the capital outlay projects.

Exhibit A-2

4. If such special sales and use tax is to be imposed, Dade County, acting by and through the Board of Commissioners of Dade County, may issue general obligation debt, in an aggregate principal amount not to exceed \$4,000,000. The proceeds from such general obligation debt, if issued, shall be used to fund all of the capital outlay projects of the City of Trenton and a portion of the capital outlay projects of the County, described in the foregoing question. 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>Principal Amount Maturing</u>
Year 1	\$790,000
Year 2	800,000
Year 3	810,000
Year 4	815,000
Year 5	835,000
Year 6	850,000

The Board of Commissioners may issue aggregate general obligation debt which is less than \$4,000,000 and reduce the principal amounts maturing which are shown above.

5. In accordance with the Intergovernmental Agreement \$500,000 in principal amount of the general obligation debt, less costs of issuance and capitalized interest, shall be allocated to fund a portion of the City Projects and up to \$3,500,000 in principal amount of the general obligation debt, less costs of issuance and capitalized interest, shall be allocated to fund a portion of the County Projects. Such general obligation debt shall be payable first from the proceeds of the Special Sales Tax; however, such general obligation debt which is not satisfied from the proceeds of the Special Sales Tax may be satisfied from the general funds of the County or from *ad valorem* tax which may be levied for such purpose.
6. Projects for the City shall be funded in order and priority as determined by the City Commission. Projects for the County, the Dade County Industrial Development Authority and the Dade County Water and Sewer Authority shall

be considered as "County Projects" and will be funded in order and priority as determined by the Board of Commissioners. It is anticipated that approximately \$1,200,000 in Special Sales Tax proceeds will be allocated by the County to the projects of the Dade County Water and Sewer Authority and \$1,200,000 will be allocated by the County to projects of the Dade County Industrial Development Authority, which include the payment of general obligations of the County to pay from taxes or other funds available to the County to the extent necessary amounts sufficient for payment of debt service on outstanding revenue bonds of the Dade County Water and Sewer Authority. The Intergovernmental Agreement is a public record on file in the office of the Clerk of the Board of Commissioners.

7. Reference is hereby made to the Official Code of Georgia Annotated § 36-82-1(d), which provides in part that any brochures, listings, or other advertisements issued by the Board of Commissioners or by any other person, firm, corporation, or association with the knowledge and consent of the Board of Commissioners shall be deemed to be a statement of intention of the Board of Commissioners concerning the use of bond funds.
8. The last day to register to vote in the election is Monday, April 20, 2020. Anyone desiring to register may do so by applying in person at the Board of Elections and Registration office located at 71 Case Avenue, Trenton, Georgia, or by any other method authorized by the Georgia Election Code.
9. The election will be held on Tuesday, May 19, 2020. The polls will be open from 7:00 a.m. until 7:00 p.m.

Exhibit A-3

This _____ day of _____, 2020.

/s/ _____
Chairperson
Board of Elections and Registration of
Dade County, as Election Superintendent

CLERK'S CERTIFICATE

The undersigned Clerk of the Board of Commissioners of Dade County, keeper of the records and seal thereof, certifies that the foregoing is a true and correct copy of a resolution approved and adopted by majority vote of the Board of Commissioners of Dade County in a public meeting assembled on February 6, 2020, the original of which resolution has been entered in the official records of said Board of Commissioners under my supervision and is in my official possession, custody, and control.

I further certify that said meeting was held in conformity with the requirements of Title 50, Chapter 14 of the Official Code of Georgia Annotated.



/s/ _____
Patrick D. Townsend, Jr.
County Clerk
Dade County, Georgia

STATE OF GEORGIA)
)
COUNTY OF DADE)

ORDER

The Board of Elections of Dade County, Georgia, having been furnished with a certified copy of the resolution of the Board of Commissioners of Dade County, adopted on February 6, 2020, requesting the undersigned to call an election on May 19, 2020, relative to the imposition of a special sales and use tax and issuance of the general obligation debt described in said resolution, does hereby call said election on May 19, 2020, and orders and directs that the form of election notice contained in said resolution and required by law to be published in connection with the election and the issuance of said general obligation debt be published as provided by law.

This ____ day of _____, 2020.

**BOARD OF ELECTIONS AND
REGISTRATION OF DADE COUNTY,
AS ELECTION SUPERINTENDENT**

By: /s/ _____
Chairperson