

STATE OF GEORGIA

CITY OF STONECREST

RESOLUTION NO. _____

A RESOLUTION BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA AUTHORIZING THE EXECUTION OF THE INTERGOVERNMENTAL AGREEMENT FOR THE USE AND DISTRIBUTION OF PROCEEDS FROM THE ONE PERCENT SPECIAL PURPOSE LOCAL OPTION SALES TAX FOR SPLOST II; AND FOR OTHER PURPOSES.

WHEREAS, the City of Stonecrest, Georgia (the “City”) is a municipal corporation located in DeKalb County duly organized and existing under the laws of the State of Georgia; and

WHEREAS, O.C.G.A § 48-8-110.1. provides for the imposition of a county sales and use tax as authorized by the governing authority of any county in the state subject to the requirement of referendum approval and the other requirements for a limited period of time which tax shall be known as the county special purpose local option sales tax (“SPLOST”); and

WHEREAS, the proceeds received from the SPLOST must be used by the county and qualified municipalities within the county receiving proceeds of the sales and use tax exclusively for the purpose or purposes specified in the resolution or ordinance calling for imposition of the tax by project funding within specific categories; and

WHEREAS, in 2017, Georgia law was amended to limit the allowable categories of projects for DeKalb County (the “County”) to use its SPLOST; and

WHEREAS, the County was only permitted to use SPLOST funds on four specific categories of projects: (1) transportation purposes, (2) public safety facilities and related capital equipment, (3) debt service, and (4) the repair of capital outlay projects in an amount not to exceed fifteen percent (15%) of the total SPLOST proceed (“SPLOST I”); and

WHEREAS, House Bill 431 (“HB 431”) passed by the Georgia General Assembly in 2023 amends Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county special purpose local option sales tax; and

WHEREAS, paragraph (1) of subsection (a) of Code Section 48-8-111, relating to procedure for imposition of tax, resolution or ordinance, notice to county election superintendent, and election removes limitations put in place by SPLOST I and permits DeKalb County to fund various projects with their SPLOST.; and

WHEREAS, on Wednesday, May 3, 2023, Governor Brian Kemp signed HB 431 which authorizes DeKalb County to hold a referendum on November 7th, 2023 to impose a tax on the County and municipalities within the county including the City of Stonecrest (“SPLOST II”); and

WHEREAS, the County’s SPLOST II proceeds must be disbursed either on a per capita basis, based on the most recent decennial census or according to the terms of an intergovernmental agreement between the County and every municipality wholly located in DeKalb County; and

WHEREAS, the Mayor and City Council (“City Council”) must adopt a resolution authorizing the execution of the Intergovernmental Agreement for the Use and Distribution of Proceeds from the One Percent Special Purpose Local Option Sales Tax; and

WHEREAS, pursuant to Chapter 8 of Title 45 of the Official Code of Georgia the intergovernmental agreement shall, at a minimum, include the following:

(A) The specific capital outlay project or projects to be funded pursuant to the agreement;

(B) The estimated or projected dollar amounts allocated for each project from tax proceeds from the tax authorized by this part;

(C) The procedures for distributing proceeds from the tax authorized by this part to qualified municipalities;

(D) A schedule for distributing proceeds from the tax authorized by this part to qualified municipalities which schedule shall include the priority or order in which projects will be fully or partially funded;

(E) A provision that all capital outlay projects included in the agreement shall be funded from proceeds from the tax authorized by this part except as otherwise agreed;

(F) A provision that proceeds from the tax authorized by this part shall be maintained in separate accounts and utilized exclusively for the specified purposes;

(G) Record-keeping and audit procedures necessary to carry out the purposes of this part; and

(H) Such other provisions as the county and participating municipalities choose to address;

WHEREAS, the County and the participating municipalities have drafted the Intergovernmental Agreement for the Use and Distribution of Proceeds from the One Percent Special Purpose Local Option Sales Tax (“IGA”) attached as EXHIBIT A incorporated herein by reference; and

WHEREAS, the City Council authorizes execution of the IGA and accompanying documentation related thereto on behalf of the City; and

WHEREAS, the City Attorney will return the executed IGA and accompanying documents to the County for completion of the SPLOST II procedure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Stonecrest, Georgia that pursuant to O.C.G.A. § 48-8-115 the Mayor, City Manager, City

Attorney and the City Clerk is authorized to execute the Intergovernmental Agreement for the Use and Distribution of Proceeds from the One Percent Special Purpose Local Option Sales Tax and all accompanying documentation related thereto.

BE IT FURTHER RESOLVED, the City Attorney will return the executed IGA and accompanying documents to the County for completion of the SPLOST II procedure.

BE IT FURTHER RESOLVED, all resolutions, ordinances, and parts thereof in conflict herewith are hereby expressly repealed.

BE IT FURTHER RESOLVED, the City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Resolution, including its exhibits, as enacted.

BE IT FINALLY RESOLVED, the effective date of this Resolution shall be the date of adoption, unless otherwise specified herein.

SO RESOLVED this _____ day of _____, 2023

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney