

91-FM-217	REFUND REPORT FOR THE MONTH OF SEPTEMBER (APPROVED)	25
91-FM-219	REQUEST FOR APPROVAL OF RESOLUTION TO ABOLISH THE OLD PUBLIC SAFETY EMPLOYEES PENSION FUND AND BOARD OF TRUSTEES (APPROVED)	25
91-FM-220	REQUEST FOR APPROVAL TO PROCEED WITH THE GENERAL OBLIGATION BOND ISSUE (APPROVED)	27
91-FM-221	REQUEST FOR APPROVAL OF MARTA RESOLUTION TO WAIVE PUBLIC COMPETITIVE BIDDING REQUIREMENT TO ALLOW FOR BONDS TO BE SOLD THROUGH NEGOTIATIONS (APPROVED)	30
91-FM-222	REQUEST FOR REFUND TO NORTH PEKING RESTAURANT FOR OVERPAYMENT OF ALCOHOLIC BEVERAGE TAXES - COST \$10,055.36 (APPROVED)	34
91-FM-218	REQUEST FOR APPROVAL OF CONTRACT REPORT (APPROVED)	34
91-FM-223	REQUEST FOR APPROVAL OF POLICY FOR ELIMINATING THE ABOLISHMENT AND ESTABLISHMENT PROCEDURE FOR POSITIONS (APPROVED)	36
91-FM-225	REQUEST FOR APPROVAL OF STAFF BRIEFING ON CITY OF ATLANTA'S REQUEST FOR COUNTY AD VALOREM TAX ABATEMENTS WITHIN THE WELCOME HOUSE AND WEST END HOUSING ENTERPRISE ZONES (APPROVED)	43
91-FM-226	REQUEST FOR APPROVAL OF LOW BID FROM BUSINESS RECORDS CORPORATION TO PROVIDE 885,750 BALLOT CARDS FOR PRESIDENTIAL PREFERENCE IN MARCH, 1992 - BID NO. YB9292 AND PRIMARY RUNOFF & GENERAL ELECTION - BID NO. YB9192 COST \$69,499.52 (APPROVED)	49
91-FM-229	DISCUSSION REGARDING SEWER REFUND POLICY (LOMAX) (COUNTY MANAGER DIRECTED TO REVIEW POLICY)	50
91-FM-230	DISCUSSION REGARDING POLICY DEPARTMENT VACANCIES (HIGHTOWER) (NO DISCUSSION/NO ACTION - CROSS- REFERENCE 91-FM-223)	52
91-FM-231	REQUEST FOR APPROVAL TO AMEND CONTRACT WITH CONCERNED CITIZENS OF ATLANTA, INC. TO SUBSIDIZE THANKSGIVING DINNER FOR SENIOR CITIZENS NOT TO EXCEED \$1,500 [HUMAN SERVICES] (APPROVED)	52

the lowest available cost for the taxpayers. The Federal Government and the State of Georgia use competitive bidding for professional services. There is no reason why we shouldn't.

"Does the staff understand the motion? The motion is to seek through negotiation the lowest price with competent services restricted to Fulton County."

Chairman Lomax - "Last year was the first year we used a minority law firm to do this work as lead counsel. There is a certain routine quality to the \$3,000,000 issue. Those minority firms have typically been excluded."

Commissioner Joyner - "In Atlanta and Fulton County we are fortunate that there are a multitude of minority firms capable of doing this work."

The motion to **authorize** the staff to proceed and negotiate selection of the bond counsel who offer competent services at the lowest price and are in Fulton County, was made by Commissioner Lowe, seconded by Commissioner Joyner, and carried by a vote of 6-0-0. Commissioner Boxill was absent.

The County Manager and Finance Director are to propose a policy for competitive procedures in the selection of future local bond counsel, financial advisors, and other professional services providers.

91-FM-221 REQUEST FOR APPROVAL OF MARTA RESOLUTION TO WAIVE PUBLIC COMPETITIVE BIDDING REQUIREMENT TO ALLOW FOR BONDS TO BE SOLD THROUGH NEGOTIATIONS (APPROVED)

DATE: November 5, 1991
TO: John H. Stanford, County Manager
FROM: Peter C. Cunningham, Acting Director of Finance
SUBJECT: MARTA Resolution - Waiver of Public Competitive Bidding

The Fulton County Board of Commissioners and other local governments recently authorized the sale of \$94.15 million in MARTA sales tax revenue bonds to refund selected Series F and G bonds. Under a Georgia State Act, MARTA bonds are to be sold by public

competitive bidding unless waived by the local governments participating. On October 28, 1991, the MARTA Board of Directors adopted a resolution asking that each participating local government waive the public competitive bidding requirement to allow for the bonds to be sold through negotiations with a prospective purchaser or purchasers.

If you approve, please place the attached resolution approving a negotiated sale of the refunded bonds on the Board of Commissioners' agenda for approval.

If you need additional information, do not hesitate to call.

RESOLUTION

WHEREAS, the METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY (hereinafter the "Authority") is a public body corporate and a joint instrumentality of the counties of Fulton, DeKalb, Clayton, Gwinnett, and the City of Atlanta, organized and existing under an Act of the General Assembly of the State of Georgia, approved March 10, 1965, Georgia Laws 1965, page 2243, as amended (hereinafter the "Act"); and

WHEREAS, the Authority was created and now exists for the purpose of planning, designing, leasing (as Lessee), purchasing, acquiring, holding, owning, maintaining, improving and administering a rapid transit system within the above referenced counties and the City of Atlanta, and operating the same, or contracting therefore, or leasing (as Lessor) the same for operation by private parties, pursuant to the Act, and the Authority is now so organized, existing and operating; and

WHEREAS, Section 8(1) of the Act allows the Authority to issue revenue bonds for the purpose of paying all or a part of the costs of a rapid transit system; and

WHEREAS, Section 10(h) of the Act provides that "bonds of the Authority shall be sold by public competitive bidding, unless such requirement is waived by the local governments participating in the Authority at the time of such sale, in which event the bonds may be sold through negotiation with a prospective purchaser or purchasers"; and

WHEREAS, the Authority now deems it desirable and in its interest to issue revenue bonds for the purpose of refunding certain outstanding bonds; and

WHEREAS, the Authority has deemed it in the best interest of its rapid transit system and the participating local governments to

have the option to sell the next issue (which may consist of one or more series) of its revenue refunding bonds to prospective purchasers through private negotiations; and

WHEREAS, at its meeting on October 28, 1991, the Authority's Board of Directors adopted a resolution asking that each participating local government waive the public competitive bidding requirement of Section 10(h) of the Act to enable the Authority to negotiate the sale of its bonds; and

WHEREAS, the County of Fulton, Georgia is a participating local government in the Authority; and

WHEREAS, the Board of Commissioners of Fulton County, Georgia, deems it to be in the best interest of both the County and the Authority to allow the Authority the option to sell its revenue bonds through negotiation;

NOW, THEREFORE, BE IT RESOLVED, THAT THE BOARD OF COMMISSIONERS OF FULTON COUNTY, GEORGIA, does hereby, in accordance with the pursuant to the provisions of Section 10(h) of the Act, waive the requirement of public competitive bidding with respect to the next sale of the Authority's revenue refunding bonds, which amount shall not exceed \$125,000,000 in principal amount, and does hereby consent and agree that such bonds may be sold either through negotiations with a prospective purchaser or purchasers or through public competitive bidding, as the Board of Directors of the Authority shall deem to be in the best interest of the Authority.

BE IT FURTHER RESOLVED, that a copy of this resolution, duly certified, be furnished to the Authority as evidence of the aforesaid waiver and consent and that the Authority shall be, and it hereby is, authorized to rely upon this resolution to constitute the waiver of public competitive bidding referred to in the said Section 10(h) of the Act.

This the _____ day of _____, 1991.

BY: _____
Chairman, Board of Commissioners
Fulton County

George Ivey, Appointee to the MARTA Board - "We are requesting that you approve us to re-sell bonds which will produce approximately eight million dollars to MARTA. You approved one sale, which we have just completed, saving MARTA approximately eight million dollars. In order that we can select and control the timing on the

sale of these bonds, we need to have it in a posture so that the Board can make the move needed to save this money picked up from the sale of these bonds. We would appreciate, very much, if you would approve us being able to do this."

Chairman Lomax inquired if this was a refunding and Mr. Ivey agreed. Chairman Lomax mentioned the discussion of this matter on their New York trip. These refundings have been viewed favorably by the bond rating agency and are capturing the low interest rates. The bonds are a Series `N.'

John H. Stanford, County Manager explained that, "the other issue there was negotiating rather than bid. We certainly concur."

Commissioner Joyner - "I will not speak against this request, even though I will vote against it. I have consistently supported the approach of competitive bidding; especially, whereas here, and in previous matters that have come before the Board where negotiating bonds have been the way to go. Competitive bidding for `big dollars' should be pursued just as we are wedded to the concept of competitive bidding for `little dollars.'"

The motion to **approve** the MARTA Resolution to waiving public competitive bidding requirements and to allow for bonds to be sold through negotiations was made by Commissioner Hightower, seconded by Commissioner Farris, and carried by a vote of 4-1-0. Commissioner Joyner voted `no,' Commissioner Lowe did not vote, and Commissioner Boxill was absent.

CLERK'S NOTE: THE MARTA RESOLUTION TO WAIVE THE PUBLIC COMPETITIVE BIDDING REQUIREMENT AND TO ALLOW FOR BONDS TO BE SOLD THROUGH NEGOTIATIONS WAS APPROVED BY THE BOARD OF COMMISSIONERS IN THEIR FINANCE MEETING HELD NOVEMBER 13, 1991, IS IN THE SUPPLEMENT PORTION OF THE MINUTE BOOK B-13, PAGES 1 - 3.

91-FM-222 REQUEST FOR REFUND TO NORTH PEKING RESTAURANT FOR OVERPAYMENT OF ALCOHOLIC BEVERAGE TAXES - COST \$10,055.36 (APPROVED)

DATE: November 4, 1991
TO: John H. Stanford, County Manager
FROM: Peter C. Cunningham, Acting Director of Finance
SUBJECT: North Peking Refund of Drink Taxes