

#38-

MS - *James Mullins*
19-01203
1203

Wendell H. Gifford
1203

17752

(Do Not Write Above This Line)

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE ATLANTA DEVELOPMENT AUTHORITY D/B/A INVEST ATLANTA FOR THE PROVISION OF ECONOMIC DEVELOPMENT SERVICES AND REDEVELOPMENT SERVICES; AND FOR OTHER PURPOSES.

BY COUNCILMEMBER
MATT MORELAND
APL
GBOONE
2/23/19

• Filed 9-3-19

- ☐ 1st ADOPT 2nd READ & REFER
- ☒ PERSONAL PAPER REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER

144 ON

4-15-19
CDHS + FEC

Date Referred
Referred To:
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Committee
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Chair
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Action
Fav, Adv, Hold (see rev. side)
Other
Members

Action
Fav, Adv, Hold (see rev. side)
Other
Members

Refer To
Finance/EX.

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members

Committee
Date
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Action
Fav, Adv, Hold (see rev. side)
Other
Members

Committee
Date
Chair
Action
Fav, Adv, Hold (see rev. side)
Other
Members

Refer To

FINAL COUNCIL ACTION
☐ 2nd
☐ 1st & 2nd
☐ 3rd
Readings
☐ Consent
☐ V-Vote
☐ RC-Vote

CERTIFIED
SEP 03 2019
ATLANTA CITY COUNCIL PRESIDENT
Tina A. Moore

CERTIFIED
SEP 03 2019
MUNICIPAL CLERK

MAYOR'S ACTION

****AN ORDINANCE BY COUNCILMEMBERS MATT WESTMORELAND, ANDRE DICKENS, MARCI COLLIER OVERSTREET, JENNIFER N. IDE, NATALYN M. ARCHIBONG, JOYCE M. SHEPERD, AMIR R. FAROKHI, ANDREA L. BOONE, MICHAEL JULIAN BOND, CARLA SMITH, DUSTIN HILLIS AND J. P. MATZIGKEIT, AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE ATLANTA DEVELOPMENT AUTHORITY D/B/A INVEST ATLANTA FOR THE PROVISION OF ECONOMIC DEVELOPMENT SERVICES AND REDEVELOPMENT SERVICES; AND FOR OTHER PURPOSES.

VOTE RECORD - ORDINANCE 19-O-1203

<input type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input checked="" type="checkbox"/> FILED <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED ON SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	MICHAEL JULIAN BOND	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MATT WESTMORELAND	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDRE DICKENS	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CARLA SMITH	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMIR R FAROKHI	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANTONIO BROWN	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CLETA WINSLOW	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AWAY
	NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JENNIFER N IDE	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	HOWARD SHOOK	MOVER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JP MATZIGKEIT	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DUSTIN HILLIS	SECONDER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L BOONE	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARCI COLLIER OVERSTREET	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JOYCE M SHEPERD	VOTER	<input checked="" type="radio"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BY COUNCILMEMBER MATT WESTMORELAND

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND THE ATLANTA DEVELOPMENT AUTHORITY D/B/A INVEST ATLANTA FOR THE PROVISION OF ECONOMIC DEVELOPMENT SERVICES AND REDEVELOPMENT SERVICES; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution and laws of the State of Georgia, in particular the Development Authorities Law of Georgia (O.C.G.A. §36-62-1 et seq., as amended) (the "Act"), empower governments to contract with a local development authority for the development of trade, industry, commerce, and employment opportunities; and

WHEREAS, the Atlanta Development Authority, doing business as Invest Atlanta ("Invest Atlanta") has been duly created under and by virtue of Resolution 97-R-0716 adopted by the City Council of the City of Atlanta (the "City") and approved by the Mayor on May 19, 1997 (the "Authorizing Resolution"), and is now existing and operating as a public body corporate and politic and instrumentality of the State of Georgia created for the purpose of promoting economic development and stimulating business and commercial activity in the City of Atlanta; and

WHEREAS, Invest Atlanta is governed by a nine-member Board of Directors consisting of the Mayor; the Chair of the City Council Community Development and Human Services Committee; a representative of the Atlanta Planning and Advisory Board ("APAB") appointed by the Mayor from a list of three nominees submitted by APAB; two members appointed by the Mayor and confirmed by the City Council with experience in business and finance; two members appointed by the City Council with experience in business and real estate; a member appointed by the Mayor from a nomination of the Board of Commissioners of Fulton County; and a member appointed by the City Council from a nomination by the City of Atlanta Board of Education; and

WHEREAS, pursuant to Resolution 11-O-1839 the City and Invest Atlanta entered into an Intergovernmental Agreement to memorialize the terms and conditions under which Invest Atlanta carries out its responsibilities critical to the economic development, revitalization and growth of the City of Atlanta which expires June 30, 2019; and

WHEREAS, Invest Atlanta has provided economic development services for the benefit of the City and desires to continue to provide such services to the City and any future services that may be requested from time to time by the City in order to create, manage and conduct special projects, programs, initiatives and studies on behalf of the City for the purposes of investment in the economic development; and

WHEREAS, Invest Atlanta has provided economic development services for the benefit of the City and desires to continue to provide such services to the City and any future services that may be requested from time to time by the City in order to create, manage and conduct special projects, programs, initiatives and studies on behalf of the City for the purposes of investment in the economic development; and

WHEREAS, the City desires to ratify the prior provision of economic development services by Invest Atlanta under the expired IGA for Redevelopment Services, and for Invest Atlanta to continue to carry out certain responsibilities critical to the economic development, revitalization and growth of the City; and

WHEREAS, under the IGA for Economic Development Services and the IGA for Redevelopment Services, Invest Atlanta has helped create tens of thousands of jobs; and

WHEREAS, despite Atlanta's array of economic assets and economic growth over the last several decades, Atlanta has the highest income inequality of any city in the United States and has continued to grow more unequal over the past decade.

WHEREAS, in 2014, the poorest 20 percent of households in Atlanta earned less than \$15,000 annually, while the richest 5 percent of households in Atlanta earned more than \$288,000. As the gap grows between rich and poor in the city, the middle class is shrinking. Compared to 50 other cities, Atlanta has the sixth lowest middle-class population (i.e. households with \$40,000-\$100,000 incomes), representing 32 percent of the population; and

WHEREAS, it is estimated that 25.5 percent of people in the city have incomes below the Federal poverty level. Like most cities, Atlanta's poverty is disproportionately experienced by the city's Black residents, with 80 percent of Atlanta's African American children living in high-poverty communities (where the poverty rate is higher than 20 percent), compared with 43 percent of Latino children, 29 percent of Asian children and six percent of White children; and

WHEREAS, poverty and income inequality are also divided along geographic lines with the southern and western areas of the city particularly vulnerable. Persistent poverty has intergenerational impacts as it limits the ability of young people to successfully achieve upward social mobility and break the cycle of poverty for the next generation; and

WHEREAS, the City has recognized in its "Resilient Atlanta: Actions to Build an Equitable Future" a cohesive roadmap to position Atlanta as a global leader in resiliency.

WHEREAS, included in this strategy are specific goals around the creation of livable wage jobs, improving quality, access, and distribution of affordable housing, improving access to transportation, ensuring every Atlantan lives within one-half mile of fresh food by 2025, and the creation 500 new acres of publicly accessible greenspace by 2022.

WHEREAS, despite recent growth and job creation, our City faces persistent and growing disparities in income and opportunities. This means that we must address inequality today in order to create a stronger Atlanta tomorrow. As long as significant swathes of Atlantans lack

access to quality jobs and stable incomes, the city and its residents continue to remain vulnerable to systemic stresses. and we must reshape our work accordingly; and

WHEREAS, the City's economic development policies must ensure people of color and residents from underserved communities have the opportunity to achieve their full potential; and

WHEREAS, the City is committed to a new approach to economic development and community development-- where the gains from physical and economic growth are intentionally focused to address growing opportunity gaps within our City and to implement policies with safeguards to provide that all communities realize equitable benefits; and

WHEREAS, the City and Invest Atlanta desire to enter into an Intergovernmental Agreement (the "Intergovernmental Agreement") for the purpose of ratifying the Economic Development Services and Redevelopment Services to the City by Invest Atlanta and memorializing the terms and conditions as set forth in the exhibits to the Intergovernmental Agreement; and further expanding the reporting requirements of Invest Atlanta to the City to allow the City to actively and periodically review the performance of Invest Atlanta in achieving economic development benchmarks established by the City.

NOW, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

SECTION 1: That the Mayor is authorized to enter into an Intergovernmental Agreement with the Atlanta Development Authority d/b/a Invest Atlanta for the provision of Economic Development Services and of Redevelopment Services to the City.

SECTION 2: That the City Attorney is directed to negotiate, prepare, and/or review the Intergovernmental Agreement to affect the intent of this ordinance provided that such agreement is in compliance with the conditions set forth herein.

SECTION 3: That the Agreement (and any additional amendments to the Intergovernmental Agreement) will not become binding upon the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to the Parties.

**INTERGOVERNMENTAL AGREEMENT
FOR ECONOMIC DEVELOPMENTS SERVICES
AND REDEVELOPMENT SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is made and entered into as of the ____ day of _____ 2019 (the “Effective Date”) by and between the **CITY OF ATLANTA, GEORGIA**, a municipal corporation duly established under the laws of the State of Georgia, acting by and through the Atlanta City Council and the Mayor (the “City”) and **THE ATLANTA DEVELOPMENT AUTHORITY d/b/a INVEST ATLANTA**, a public body corporate and politic duly created and validly existing under the laws of the State of Georgia (“Invest Atlanta”).

WHEREAS, pursuant to City Resolution 97-R-0716, adopted by the City Council for the City (the “City Council”) on May 19, 1997 and approved by the Mayor of the City (the “Mayor”) on May 27, 1997, Invest Atlanta was activated by the City to, among other things, consolidate the City’s efforts in housing, economic development and redevelopment (the “Authorizing Resolution”); and

WHEREAS, the City has previously designed Invest Atlanta as the Economic Development and Redevelopment Agent for the City; and

WHEREAS, the City desires for the Invest Atlanta to continue to carry out responsibilities critical to the economic development, revitalization, and growth of the City; and

WHEREAS, Invest Atlanta is governed by a nine-member Board of Directors consisting of the Mayor; the Chair of the City Council Community Development and Human Services Committee or its successor; a representative of the Atlanta Planning and Advisory Board (“APAB”) appointed by the Mayor from a list of three nominees submitted by APAB; two members appointed by the Mayor and confirmed by the City Council with experience in business and finance; two members appointed by the City Council with experience in business and real estate; a member appointed by the Mayor from a nomination of the Board of Commissioners of Fulton County; and a member appointed by the City Council from a nomination by the Atlanta Board of Education; and

WHEREAS, pursuant to Resolutions 11-0-1839 and 12-R-1818 the City and Invest Atlanta entered into Intergovernmental Agreements which memorialized and affirmed the role of Invest Atlanta as the primary economic development agency and redevelopment agency for the City’s TADs; and

WHEREAS, the City and Invest Atlanta desire to enter into this Agreement pursuant to the 1983 Constitution of the State of Georgia, Article IX, Section III, Paragraph I and other applicable provisions of Georgia law; and

NOW THEREFORE, for and in consideration of the premises and undertakings as hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Invest Atlanta, agree as follows:

SECTION 1: Definitions. Unless the context clearly requires a different meaning, the following terms are used herein with the following meanings:

“CDHS” shall mean the Community Development/Human Services Committee of the Atlanta City Council.

“FEC” shall mean the Finance/Executive Committee of the Atlanta City Council.

“Redevelopment Agent” shall be used interchangeably with the Atlanta Development Authority b/d/a Invest Atlanta as Redevelopment Agent for the City’s TADs, as provided by O.C.G.A. 36-44-6(a).

“Redevelopment Plans” shall mean the collective of the Tax Allocation District redevelopment plans.

“TADs” shall mean the collective of the Westside TAD, Atlantic Station TAD, Perry/Bolton TAD, Princeton Lakes TAD, Eastside TAD, Beltline TAD, Campbell Road TAD, Hollowell/M.L. King TAD, Metropolitan Parkway TAD, and Stadium Neighborhoods TAD.

“TAD Resolutions/Ordinances” shall mean the collective of the TAD Resolutions and Ordinances.

SECTION 2: Objectives, outcomes, and metrics for success. Invest Atlanta will use the objectives and outcomes listed in Exhibit A and the metrics for success listed in Exhibit B as it develops a five-year strategic plan that shall be presented to the Atlanta City Council for approval by December 2, 2019.

SECTION 3: Redevelopment Agent Responsibilities. The Redevelopment Agent shall perform its responsibilities as set forth in the TAD Resolutions/Ordinances and in accordance with this Act. Those responsibilities shall include, but not be limited to, performing the following functions:

- (a) Describing the boundaries of one or more redevelopment areas within the City;
- (b) Causing Redevelopment Plans to be prepared, presenting all Redevelopment Plans and any revisions to existing Redevelopment Plans to City Council for approval

- (c) Implementing and effectuating the purpose of such approved redevelopment plans;
- (d) Managing TAD bond issuances;
- (e) Entering into and executing contracts, leases, mortgages, and other agreements, determined by Invest Atlanta to be necessary to implement the provisions of approved Redevelopment Plans;
- (f) Acquiring and retaining or acquiring and disposing of property or interests in property for redevelopment purposes.

SECTION 4: Surplus Increment. Once Invest Atlanta determines that a Redevelopment Plan for a TAD has been substantially completed, Invest Atlanta shall use surplus increment from said TAD to pay down any outstanding debt relating to said TAD and to pay all other outstanding redevelopment costs. Once all outstanding debt and redevelopment costs for a particular TAD have been paid in full, the City shall adopt legislation terminating said TAD and direct Invest Atlanta to proportionally return any excess increment from said TAD to participating jurisdictions of said TAD.

SECTION 5: Cost Recovery. As compensation for performing the Redevelopment Agent responsibilities and the Reporting Requirements, Invest Atlanta shall be reimbursed from available tax increment for actual, eligible redevelopment costs in accordance with the Act and the annual budget approved for each TAD by the City, to the extent that such costs relate to the TAD from which the tax increment is generated. Reimbursement to Invest Atlanta hereunder shall be subject to all applicable laws, consents, indentures, and other agreements, including but not limited to, Fulton County's and Atlanta Public School's Consents.

On a monthly basis, to the extent that such costs are incurred, Invest Atlanta shall submit to the City a requisition in such form as reasonably acceptable to the City containing a summary of eligible redevelopment costs incurred by Invest Atlanta for performing the Redevelopment Agent Responsibilities and the Reporting Requirements outlined in Section 8 and Exhibit C. For each individual TAD, only eligible redevelopment costs specifically related to such TAD shall be presented to the City for reimbursement.

SECTION 6: Economic Development Services. The City authorizes Invest Atlanta and Invest Atlanta agrees to provide Economic Development Services. The City and Invest Atlanta hereby agree that the Economic Development Services shall include, without limitation:

- (i) creating, promoting, coordinating, managing, administrating, and implementing, as the case may be, various programs and related fund for the benefit of the city, including, but not limited to, the following (those with * have their own intergovernmental agreement with the City and/or program documents):

1. Economic Opportunity Fund Program (EOF), the specific terms and conditions for which are attached hereto as Exhibit D.
2. Opportunity Loan Fund Program
3. Business Improvement Loan Fund Program*
4. Phoenix Loan Fund Program*
5. Brownfield Revolving Loan Fund Program*
6. Lease Purchase Bond Program
7. Urban Enterprise Zone Program
8. Empowerment Zone Loan Fund Program*
9. Opportunity Down Payment Assistance Program*
10. Atlanta Affordable Home Ownership Program*
11. Vine City/English Avenue Trust Fund*

(ii) serving in part as contact for and coordinator with various City agencies, community and civic groups and other stakeholders interested in the economic development, revitalization and growth of the city,

(iii) providing general marketing services relating to the numerous program incentives and opportunities available to businesses seeking to relocate to or remain in the city,

(iv) planning and implementing strategies focusing on retaining businesses within the City, and

(v) such other activities as the parties may reasonably agree, all for the term of this Agreement.

SECTION 7: Economic Opportunity Fund Program. The City agrees to fund the EOF Program annually and/or on a case-by-case basis and the EOF Program shall be managed and administered by Invest Atlanta, as set forth in Exhibit D hereto.

SECTION 8: Reporting Requirements. In addition to the Redevelopment Agent Responsibilities set forth in Section 3, the Redevelopment Agent agrees to an expanded obligation in reporting its actions and progress to the City as follows (the “Reporting Requirements”):

- (a) Every two (2) years Invest Atlanta will evaluate the completion status of the Redevelopment Plans for all of the TADs and report its findings to FEC and CDHS;
- (b) Invest Atlanta will provide financial updates to FEC twice a year;
- (c) Invest Atlanta will provide updates on current activities and results to CDHS quarterly;
- (d) Invest Atlanta will provide the City with an annual reporting of the value of all incentives provided to private or public parties along with the names of the recipient entities. Incentives would include TAD grants, tax abatements, tax credits, cash grants, loans, etc.

- (e) Annually, Invest Atlanta will provide the City Council with its annual operating budget including an itemized list of all fees earned and expenditures along with the names of entities to whom services were provided.
- (f) Invest Atlanta will provide the City with the reports, data, statements, and other documents listed on Exhibit C attached hereto and incorporated herein by this reference with the timeframes so specified on said Exhibit C.
- (g) Invest Atlanta will provide the City Council with the baselines for Metrics of Success listed in Exhibit B by December 2, 2019, then provide an update annually on those Metrics of Success.

SECTION 9: Professional Services. The City and Invest Atlanta acknowledge that there may be professional services rendered in connection with the Economic Development Services by accountants, auditors, financial advisors, law firms, and other consultant, the payment for which will be paid from revenue sources of a particular program or by the City, as agreed from time to time. Invest Atlanta will update the City Council during presentations to FEC and CDHS.

SECTION 10: Ethics and Transparency. Invest Atlanta agrees to adhere to the City's (1) Ethics Code and (2) transparency rules and oversight. All provisions of the City Charter or Code with regard to ethics, compliance and transparency that reference employment with the City shall also be deemed to apply to employees of Invest Atlanta.

SECTION 11: Salaries and Benefits. Invest Atlanta agrees to better align its salaries and benefits with City employment guidelines and provide to CDHS and FEC annually an organizational chart with position summaries and job descriptions.

SECTION 12: Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be an original, and all of which when taken together constitute a single document.

SECTION 13: Term. This Agreement shall become effective upon the date first above written and shall continue November 1, 2024. Prior to the end of the Term, Invest Atlanta and the City will review progress made and enter an appropriate intergovernmental agreement.

SECTION 14: Amendment/Modification. The parties hereby agree that this Agreement may be modified or otherwise amended only upon a vote by the Atlanta City Council.

SECTION 15: Severability. The provisions of this Agreement shall be deemed independent and severable. In the event any one or more of the provisions contained herein shall, for any reason, be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement.

SECTION 16: EB-5 Visa Program: Invest Atlanta will provide an update on its EB-5 program during its quarterly updates to CDHS.

SECTION 17: Notices.