

**RESOLUTION OF THE BOARD OF EDUCATION
OF THE CITY OF MARIETTA TO PROVIDE FOR THE CALLING OF AN
ELECTION TO DETERMINE THE REIMPOSITION OR NONIMPOSITION OF
A ONE PERCENT SALES AND USE TAX WITHIN THE CITY OF MARIETTA
FOR EDUCATIONAL PURPOSES:**

BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CITY OF MARIETTA, as follows:

WHEREAS, the City of Marietta (the “City”) constitutes an independent school district (the “Marietta City Schools”) which is operated for and on behalf of the City by the Board of Education of the City of Marietta; and

WHEREAS, the Board of Education of the City of Marietta is charged with the duty of managing the affairs of the Marietta City Schools, which embraces the territory within Cobb County, Georgia (the “County”), contained within the limits of the City of Marietta; and

WHEREAS, the Cobb County School District includes all remaining portions of territory within the County not contained within the limits of the City of Marietta; and

WHEREAS, Article VIII, Section VI, Paragraph IV of the Constitution of the State of Georgia and the Official Code of Georgia Sections 48-8-140 *et. seq.* authorize the imposition within each school district of each county and each independent school district located within such county in the State of Georgia of a one percent (1%) sales and use tax (the “SPLOST”) to be used by school districts for educational purposes conditioned upon approval by a majority of the qualified voters within the boundaries of the local taxing jurisdiction voting in an election held therein; and

WHEREAS, the SPLOST for educational purposes is currently being imposed in the County and will expire on the earlier of December 31, 2008 or the date that the maximum amount of proceeds to be raised from the imposition of the SPLOST shall have been collected; and

WHEREAS, Georgia law requires the Board of Education of each county School District and the Board of Education of each independent school district within such county to adopt concurrent resolutions with respect to the imposition, levy and collection of any one percent (1%) sales and use tax conditioned upon approval by a majority of the qualified voters residing within the limits of the local taxing jurisdiction voting in a referendum thereon; and

WHEREAS, the Board of Education of Cobb County, for and on behalf of the Cobb County School District has expressed that it is the sense of the Board to submit the question of the reimposition or non-imposition of the special one percent (1%) sales and use tax to the qualified voters of Cobb County; and

WHEREAS, the Board of Education of the City of Marietta has determined that the most feasible means of funding certain expenditures for educational purposes within the Marietta City Schools is by reimposing, levying and collecting a special one percent (1%) sales and use tax within Cobb County as authorized by law; and

WHEREAS, the net proceeds of the SPLOST shall be distributed between the Cobb County School District and the Marietta City Schools on the basis of the latest FTE count prior to the referendum on imposing the tax; and

WHEREAS, the Board of Education of the City of Marietta has determined that it is in the best interests of the citizens of the Marietta City Schools that the proceeds of the SPLOST, if authorized, be used to pay or to be applied toward the cost of the projects set forth herein, the payment of expenses incidental to accomplishing the projects, and for the retirement of the outstanding general obligation debt set forth herein; and

WHEREAS, each of the projects set forth herein is a project authorized by law to be financed through the imposition of a SPLOST; and

WHEREAS, pursuant to the provisions of the Constitution and laws of the State of Georgia, and pursuant to this resolution, it is necessary to submit to the qualified voters of the County the question of whether or not the one percent (1%) sales and use tax for educational purposes shall be reimposed.

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

*Section 1. **Authorization of Sales and Use Tax.*** There shall be reimposed, levied and collected in Cobb County, Georgia, a one percent (1%) sales and use tax for educational purposes, subject to approval by a majority of the qualified voters residing within the limits of Cobb County voting on the referendum therein, as authorized by Article VIII, Section VI, Paragraph IV of the Constitution of the State of Georgia, and by Article 3, Part 2 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, as amended (the "Act"), such tax to be imposed on all sales and uses (the "Sales Tax") in Cobb County for a period of twenty quarters (60 months), commencing on January 1, 2009, upon the expiration of the current version, and said election to be held on September 16, 2008. Such tax shall raise the maximum amount of net proceeds of \$856,682,070.00. The percentage to be distributed to the Marietta City Schools will be expended for the following educational purposes:

- (A) The following capital outlay projects ("Projects") at a maximum cost of \$25,609,019.00:
 - (1) Making system-wide technology improvements, including, but not limited to, acquisition and installation of instructional technology, security, and information systems hardware and associated

software and accessories, and infrastructure at all schools and selected other facilities;

- (2) Replacing, purchasing, upgrading or supplementing capital equipment including, but not limited to, desks, chairs, copiers, tables, school buses, security equipment, and laboratory equipment;
- (3) Acquiring automobiles for Marietta City Schools' driver education program;
- (4) Making additions to, renovating, upgrading, making critical infrastructure improvements, and/or equipping existing schools and other selected facilities, specifically including but without limitation:

A. L. Burruss Elementary School
Dunleith Elementary School
Hickory Hills Elementary School
Lockheed Elementary School
Marietta Center for Advanced Academics
Marietta High School
Marietta Middle School
Marietta Sixth Grade Academy
Park Street Elementary School
Sawyer Road Elementary School
West Side Elementary School
Woods/Wilkins Facility
Central Office
Transportation Building

- (B) Retirement of outstanding general obligation debt of the City of Marietta previously incurred and issued with respect to capital outlay projects in the principal and interest amount of \$33,416,376.00, comprised of portions of City of Marietta General Obligation School Refunding Bond, Series 2008, coming due on 2009 through 2013.

*Section 2. **Call for Election.*** The Marietta City Schools hereby calls, and requests that the Board of Elections and Registration of Cobb County call an election to be held in all the voting precincts in the City of Marietta on the 16th day of September, 2008, for the purposes of submitting to the qualified voters of the City of Marietta the question set forth in Section 3 below.

*Section 3. **Form of Ballot.*** The ballots to be used in such election should have written or printed thereon substantially the following language or such other language as may be required by law:

- YES** Shall the special 1 percent sales and use tax for educational purposes currently imposed in Cobb County be reimposed on January 1, 2009, upon the expiration of the current version, for not longer than 20 consecutive calendar quarters, to raise not more than \$856,682,070.00 to be used for
- NO** the following educational purposes:

For the Cobb County School District:

- (1) for renovations, modifications, additions, new schools, land, equipment, safety and security and technology systems, at a total maximum cost of \$797,656,675.00 for the Cobb County School District as described in the Notice of Election.

For the City of Marietta Schools:

- (1) to pay \$33,416,376.00 of principal and interest on outstanding bonds of the City of Marietta as described in the Notice of Election; and
- (2) for renovations, modifications, additions, equipment, and security and technology systems; acquiring automobiles for Marietta City Schools' driver education program; at a total maximum cost of \$25,609,019.00, as described in the Notice of Election.

*Section 4. **Manner of Election.*** In accordance with O.C.G.A. § 21-2-540, the date of such election shall be, and the election is hereby set for, September 16, 2008. The polls of each election district of the City shall open at 7 a.m. and close at 7 p.m. The election shall be held in accordance with the election laws of the State of Georgia and the returns of said election shall be made to the Board of Education of the City of Marietta and to the Board of Elections and Registration for the County, who shall, in the presence of and together with the several managers of the polls, bring up the returns, consolidate the returns and declare the results of the election in the manner required by law.

*Section 5. **Publication of Notice of Election.*** The Secretary of the Board of Education of the City of Marietta shall be, and is hereby, authorized and instructed to publish notice of said election as required by law in the newspaper in which sheriff's advertisements of the County are published, once a week for Five (5) weeks immediately preceding the date of the election, i.e., September 16, 2008, and the notice of election shall be in substantially the form attached hereto as Exhibit "A", and, by this reference thereto, made a part hereof.

Section 6. **Notice to Board of Elections and Registrations.** The Secretary of the Board of Education of the City of Marietta is hereby authorized and directed to deliver a copy of this resolution to the Chairman of the Board of Elections and Registration of Cobb County with a request that the Chairman of the Cobb County Board of Elections and Registration order the call of this election.

Section 7. **Further Authority.** The proper officers and agents of the Marietta City Schools 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, constructing, and equipping of the projects and the repayment of the general obligation debt as described herein.

Section 8. **General Repeal.** Any and all Resolutions or parts thereof in conflict herewith be, and the same are, hereby repealed.

Section 9. **Effective Date.** This Resolution shall take effect immediately upon its adoption.

**BOARD OF EDUCATION
OF THE CITY OF MARIETTA**

By: _____
Jill Mutimer, Chair

Attest:

Secretary

THIS _____ DAY OF _____, 2008.