

A JOINT RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF BRUNSWICK AND OF THE BOARD OF COMMISSIONERS OF GLYNN COUNTY, GEORGIA, DECLARING THE SPLOST IV AND V JOINT PROJECT KNOWN AND REFERRED TO AS THE OGLETHORPE CONFERENCE CENTER (A/K/A THE OGLETHORPE CONVENTION CENTER) INFEASIBLE; NAMING A MODIFIED USE OF THE REMAINING SPLOST IV AND V PROCEEDS DESIGNATED FOR SUCH PROJECT; REQUESTING THAT THE GLYNN COUNTY BOARD OF ELECTIONS AND REGISTRATION ISSUE THE CALL FOR A SPECIAL ELECTION TO BE HELD ON MARCH 16, 2021; APPROVING THE FORM OF THE BALLOT TO BE USED IN SUCH AN ELECTION; CALLING FOR AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND COUNTY REGARDING THE PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated (the “Act”) authorizes a county to enact the imposition of a one percent sales and use tax (“SPLOST”) for the purpose, inter alia, of financing certain capital outlay projects identified by the county and any qualified municipalities located therein; and

WHEREAS, on September 18, 2001, and November 8, 2005, the qualified voters of Glynn County and the City of Brunswick approved the imposition of a SPLOST in the special district of Glynn County, which SPLOSTs are commonly known as SPLOST IV and SPLOST V, respectively; and

WHEREAS, SPLOST IV and SPLOST V contained funding for various capital outlay projects, including the “Oglethorpe Convention Center”, also known and sometimes referred to as the “Oglethorpe Conference Center” (hereinafter the “Oglethorpe Center”); and

WHEREAS, \$2,000,000 was budgeted for the Oglethorpe Center under SPLOST IV by Glynn County (hereinafter sometimes referred to as the “County”), and \$1,500,000 was budgeted for the Oglethorpe Center under SPLOST V by the City of Brunswick (hereinafter sometimes referred to as the “City”), such funds collectively known as the “Project Proceeds”; and

WHEREAS, the Oglethorpe Center is a joint project as such term is used under O.C.G.A. § 48-8-123; and

WHEREAS, after various project expenditures, consisting primarily of planning, design and demolition costs expended in pursuit of completing the Oglethorpe Center, approximately \$1,300,441 of the \$2,000,000 originally collected for the Oglethorpe Center remains in the SPLOST IV account held by Glynn County for the Oglethorpe Center project; and approximately \$1,204,051 of the \$1,500,000 originally collected for the Oglethorpe Center remains in the SPLOST V account held by the City of Brunswick for the Oglethorpe Center (hereinafter sometimes collectively referred to as the “remaining SPLOST Project Proceeds”); and

WHEREAS, from 2001 to 2016, the Parties commenced various planning, design and demolition actions in the pursuit of completing the Oglethorpe Center, including the demolition of a building located on the property commonly known as the “Oglethorpe Block” and the preparation of plans to construct the Oglethorpe Center on that Oglethorpe Block Property; and

WHEREAS, the City and County entered into a Memorandum of Understanding dated April 7, 2016, and amended on December 30, 2019 (the “MOU”), setting forth certain terms and conditions by which the City alone would be authorized to pursue the design and construction of the Oglethorpe Center using the remaining Project Proceeds which, as amended, includes a requirement that the Oglethorpe Center be constructed on the Oglethorpe Block and be “substantially completed” by April 7, 2022; and

WHEREAS, to better pursue the completion of the Oglethorpe Center, the City assigned the redevelopment plan for the Oglethorpe Block, which included the Oglethorpe Center, to the City’s Urban Redevelopment Agency (the “URA”); and

WHEREAS, the URA diligently pursued the planning and design of the Oglethorpe Center on the Oglethorpe block from April 2016 until December 2019 including the creation of conceptual designs, architectural plans and financing options for the City to consider; and

WHEREAS, in the course of the URA’s actions, it became apparent the budget and plans for the Oglethorpe Center far eclipsed the Project Proceeds and that the estimated amount of revenue set forth in a feasibility study was not adequate to support the financial burden imposed by the construction, maintenance, and operation of the Oglethorpe Center; and

WHEREAS, in the time since the voters of Glynn County and the City of Brunswick first approved the use of SPLOST proceeds in 2001 under SPLOST IV, and then again in 2005 under SPLOST V, for the Oglethorpe Center, Glynn County and the City of Brunswick, along with the rest of the United States, experienced the Financial Crisis of 2008 and the Great Recession of 2008;

WHEREAS, in March 2020, the COVID-19 Pandemic also began to negatively impact the United States, including nation-wide lockdowns and mandates prohibiting large group gatherings, of which would be catastrophic to the financial stability of the Oglethorpe Center; and

WHEREAS, O.C.G.A. § 48-8-123 authorizes the governing authority of a county and governing authority of a municipality, when acting in accordance with a joint SPLOST project, to declare a project infeasible if said authorities find that the project has become impracticable, unserviceable, unrealistic, or otherwise not in the interests of the citizens of the county and municipality; and

WHEREAS, the City of Brunswick and Glynn County have carefully considered the financial obligations and implications of this Project, the needs of the community, and the change in circumstances and conditions since the Oglethorpe Center was first approved as a SPLOST IV project in 2001, and then again in 2005 as a SPLOST V project, and have determined that the

Oglethorpe Center, as originally conceived and planned, is no longer feasible insofar as it has, in the judgment of both governing authorities, become impracticable, unrealistic, and otherwise not in the best interests of the citizens of Glynn County; and

WHEREAS, the City and County have determined, for the reasons set forth herein, that it is in the best interests of the citizens of Glynn County and the City of Brunswick to declare the Oglethorpe Center infeasible, as defined by O.C.G.A. § 48-8-123, and for the remaining SPLOST Project Proceeds to be used for the modified purpose set forth and described herein; and

WHEREAS, the City and County have determined that an election submitting the question of modifying the project for which the remaining proceeds of the Oglethorpe Center may be expended should be conducted in conjunction with the election to be held on March 16, 2021, to submit the question of the imposition of the Special Purpose Local Option Sales Tax (i.e. SPLOST 2021) to the voters of Glynn County.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the City of Brunswick, Georgia, acting in its capacity as the governing authority of the City of Brunswick, Georgia, and by the Glynn County Board of Commissioners, acting in its capacity as the governing authority of Glynn County, Georgia, that:

1. The Board of Commissioners of the City of Brunswick and the Board of Commissioners of Glynn County hereby find and determine that circumstances and conditions are such that the Oglethorpe Conference Center has become infeasible insofar as it has, in the judgment of both governing authorities, become impracticable, unrealistic, and otherwise not in the best interests of the citizens of Glynn County.
2. The Board of Commissioners of the City of Brunswick, and the Board of Commissioners of Glynn County, subject to the assent of a majority of the qualified voters in Glynn County voting in an election for such purpose, shall expend the remaining SPLOST Project Proceeds previously collected and intended for the Oglethorpe Conference Center by paying such proceeds in the estimated aggregate amount of \$2,504,492 into the respective general funds of the City of Brunswick and Glynn County to be used for the purpose of reducing ad valorem taxes.
3. It is estimated that remaining SPLOST Project Proceeds in the aggregate amount of \$2,504,492 (approximately \$1,300,441 of which are currently being held by the County, and approximately \$1,204,051 of which are currently being held by the City) are available to be used for the modified purpose described herein. If more than one-half of the votes cast are in favor of modifying the project, these remaining SPLOST proceeds shall be divided among the City of Brunswick and Glynn County pursuant to the method prescribed by Georgia law, or as otherwise agreed to by the City and County, to be used for such modified purpose.
4. A copy of this Resolution shall be delivered to the Board of Elections of Glynn County, as election superintendent (the "Board of Elections"), and said Board of Elections is hereby requested to issue the call for a special election to be held on March 16, 2021, for the purpose described herein.

5. Upon receipt of this Resolution, the Board of Elections shall issue the call for a special election to be held on March 16, 2021, for the purpose of submitting to the qualified voters of Glynn County the question set forth in paragraph six (6) below. The Board of Elections shall issue the call and shall conduct the election in conjunction with the election to be held on March 16, 2021, to submit the question on the imposition of the Special Purpose Local Option Sales Tax (i.e. SPLOST 2021) to the voters of Glynn County. Said election shall be conducted in the manner specified in O.C.G.A. § 48-8-111(b).

6. The ballot submitting the question of the approval of the modified purpose to the voters of Glynn County shall have written or printed thereon substantially the following words:

“() YES Shall the capital outlay project consisting of the Oglethorpe Conference Center approved for use of proceeds of the special 1 percent sales and use tax imposed in the special district of Glynn County in a referendum on September 18, 2001, and November 8, 2005, be modified so as to authorize use of such proceeds for the purpose of reducing ad valorem taxes of Glynn County and the City of Brunswick?”

() NO

7. The Board of Elections shall cause the date and purpose of the election to be published once a week for four weeks immediately preceding the date of the election in the official organ of the County, and the notice thereof shall be substantially in the form set forth in Exhibit “A” attached hereto and incorporated herein by reference.

8. All persons desiring to vote in favor of modifying the project shall vote “Yes,” and all persons opposed to modifying the project or projects shall vote “No.” If more than one-half of the votes cast are in favor of modifying the project, then the remaining SPLOST proceeds previously collected and intended for the Oglethorpe Conference Center shall be used for such modified purpose; otherwise, the remaining SPLOST proceeds previously collected and intended for the Oglethorpe Conference Center shall not be used for such modified purpose. The Board of Elections shall hold and conduct the election under the same rules and regulations as govern special elections. The Board of Elections shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds.

9. The proper officers and agents of the City and County are hereby authorized to take any and all further actions as may be required in connection with the calling and holding of the special election contemplated herein.

10. If more than one-half of the votes cast are in favor of modifying the Oglethorpe Center project, then the City of Brunswick and Glynn County shall amend the April 7, 2016, *Amended and Restated Oglethorpe Conference Center Memorandum of Understanding* (MOU), as previously amended on December 30, 2019, as may be necessary to carry out the modified use for the remaining SPLOST Project Proceeds approved by the voters in the March 16, 2021, election held for such purpose.

11. For purposes of describing the circumstances that warrant the adoption of this Resolution, the Board of Commissioners of the City of Brunswick and the Board of Commissioners of Glynn County hereby adopt the recitals set forth above as findings of fact and incorporate same herein by reference.

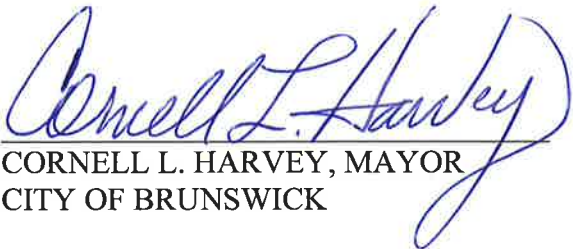
12. This resolution shall be effective immediately upon adoption, and all resolutions or parts of resolutions, if any, in conflict herewith, shall be and the same are hereby repealed.

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[Signatures Contained on the Following Two Pages]

ADOPTED by the Board of Commissioners of the City of Brunswick this 20th day of January 2021.

**BOARD OF COMMISSIONERS
OF THE CITY OF BRUNSWICK,
GEORGIA**

By: 
CORNELL L. HARVEY, MAYOR
CITY OF BRUNSWICK

ATTEST:


NAOMI D. ATKINSON, CITY CLERK

(SEAL)



STATE OF GEORGIA
COUNTY OF GLYNN

The foregoing Resolution was adopted by the Board of Commissioners of the City of Brunswick at a meeting held on January 20th, 2021.




NAOMI D. ATKINSON
CITY CLERK

[Signatures Continue on the Following Page]

ADOPTED by the Glynn County Board of Commissioners this 26th day of January, 2021.

**GLYNN COUNTY BOARD
OF COMMISSIONERS**

By: 
WAYNE NEAL, CHAIRMAN
GLYNN COUNTY BOARD
OF COMMISSIONERS

ATTEST:


DHWANI PATEL, COUNTY CLERK

(SEAL)



STATE OF GEORGIA
COUNTY OF GLYNN

The foregoing Resolution was adopted by the Glynn County Board of Commissioners at a meeting held on January 26, 2021.




DHWANI PATEL
Clerk of Glynn County, Georgia

EXHIBIT "A"

**NOTICE OF SPECIAL ELECTION
ON MARCH 16, 2021**

Pursuant to a joint resolution adopted by the Board of Commissioners of the City of Brunswick, Georgia, and the Board of Commissioners of Glynn County, Georgia, and a call for a special election issued by the Glynn County Board of Elections and Registration, notice is hereby given as follows:

1. On March 16, 2021, an election will be held in Glynn County to submit to the qualified voters of Glynn County the following question:


- () YES Shall the capital outlay project consisting of the Oglethorpe Conference Center approved for use of proceeds of the special 1 percent sales and use tax imposed in the special district of Glynn County in a referendum on September 18, 2001, and November 8, 2005, be modified so as to authorize use of such proceeds for the purpose of reducing ad valorem taxes of Glynn County and the City of Brunswick?
- () NO

2. All persons desiring to vote in favor of modifying the project shall vote "Yes," and all persons opposed to modifying the project or projects shall vote "No." If more than one-half of the votes cast are in favor of modifying the project, then the remaining SPLOST proceeds previously collected and intended for the Oglethorpe Conference Center shall be used for such modified purpose; otherwise, the remaining SPLOST proceeds previously collected and intended for the Oglethorpe Conference Center shall not be used for such modified purpose.

3. The election will be held on Tuesday, March 16, 2021. The polls will be open from 7:00 a.m. until 7:00 p.m.

This 21 day of January, 2021.

(SEAL)


Chair, Glynn County Board of Elections
and Registration, as Election Superintendent

[To be published February 16, 2021, February 23, 2021, March 2, 2021, and March 9, 2021]

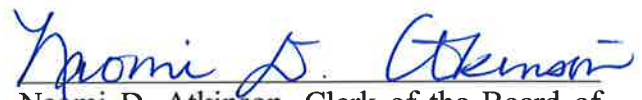
CLERK'S CERTIFICATE
CITY OF BRUNSWICK

The undersigned Clerk of the Board of Commissioners of the City of Brunswick, 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 said Board of Commissioners in a meeting assembled on January 20, 2021, 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 the meeting was held in conformity with the requirements of Title 50, Chapter 14 of the Official Code of Georgia Annotated.

(SEAL)




Naomi D. Atkinson, Clerk of the Board of
Commissioners of the City of Brunswick,
Georgia

CLERK'S CERTIFICATE
GLYNN COUNTY

The undersigned Clerk of the Board of Commissioners of Glynn 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 said Board of Commissioners in a meeting assembled on January 26, 2021, 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 the meeting was held in conformity with the requirements of Title 50, Chapter 14 of the Official Code of Georgia Annotated.

(SEAL)



Dhwani Patel

Dhwani Patel, Clerk of the Glynn County
Board of Commissioners
Glynn County, Georgia


ORDER

STATE OF GEORGIA)
)
COUNTY OF GLYNN)

The Glynn County Board of Elections and Registration, as Election Superintendent for Glynn County, having been furnished with a certified copy of a joint resolution adopted by the Board of Commissioners of the City of Brunswick, Georgia, on January 20, 2021, and the Board of Commissioners of Glynn County, Georgia, on January _____, 2021, requesting that the Glynn County Board of Elections and Registration call a special election on March 16, 2021, for the purpose of submitting to the qualified voters of Glynn County the question of whether the capital outlay project consisting of the Oglethorpe Conference Center approved for use of proceeds of the special 1 percent sales and use tax imposed in the special district of Glynn County in a referendum on September 18, 2001, and November 8, 2005, shall be modified so as to authorize use of such proceeds for the purpose of reducing ad valorem taxes of Glynn County and the City of Brunswick, does hereby call said special election on March 16, 2021, and orders and directs that the form of the election notice contained in said resolution and required by law to be published in connection with the election be published as provided by law.

This 27 day of January, 2021.

(SEAL)



Chair, Glynn County Board of Elections
and Registration, as Election Superintendent

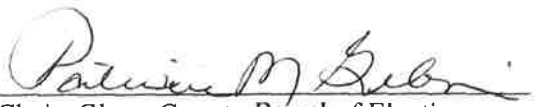
CALL FOR SPECIAL ELECTION

STATE OF GEORGIA
COUNTY OF GLYNN

The Glynn County Board of Elections and Registration, as Election Superintendent for Glynn County, having been furnished with a certified copy of a joint resolution adopted by the Board of Commissioners of the City of Brunswick, Georgia, on January 20, 2021, and the Board of Commissioners of Glynn County, Georgia, on January 26, 2021, requesting that the Glynn County Board of Elections and Registration call a special election on March 16, 2021, for the purpose of submitting to the qualified voters of Glynn County the question of whether the capital outlay project consisting of the Oglethorpe Conference Center approved for use of proceeds of the special 1 percent sales and use tax imposed in the special district of Glynn County in a referendum on September 18, 2001, and November 8, 2005, shall be modified so as to authorize use of such proceeds for the purpose of reducing ad valorem taxes of Glynn County and the City of Brunswick, does hereby call said special election on March 16, 2021, and orders and directs that the form of the election notice contained in said resolution and required by law to be published in connection with the election be published as provided by law.

This 27th day of January, 2021.

(SEAL)


Chair, Glynn County Board of Elections
and Registration, as Election Superintendent

**NOTICE OF SPECIAL ELECTION
ON MARCH 16, 2021**

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1. On March 16, 2021, an election will be held in Glynn County to submit to the qualified voters of Glynn County the following question:

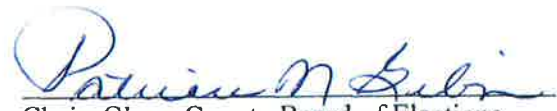
- YES Shall the capital outlay project consisting of the Oglethorpe Conference Center approved for use of proceeds of the special 1 percent sales and use tax imposed in the special district of Glynn County in a referendum on September 18, 2001, and November 8, 2005, be modified so as to authorize use of such proceeds for the purpose of reducing ad valorem taxes of Glynn County and the City of Brunswick?
- NO

2. All persons desiring to vote in favor of modifying the project shall vote "Yes," and all persons opposed to modifying the project or projects shall vote "No." If more than one-half of the votes cast are in favor of modifying the project, then the remaining SPLOST proceeds previously collected and intended for the Oglethorpe Conference Center shall be used for such modified purpose; otherwise, the remaining SPLOST proceeds previously collected and intended for the Oglethorpe Conference Center shall not be used for such modified purpose.

3. The election will be held on Tuesday, March 16, 2021. The polls will be open from 7:00 a.m. until 7:00 p.m.

This 27th day of January, 2021.

(SEAL)


Chair, Glynn County Board of Elections
and Registration, as Election Superintendent

[To be published February 16, 2021, February 23, 2021, March 2, 2021, and March 9, 2021]