

BOND RESOLUTION

A RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH (THE “CITY”) TO PROVIDE FOR THE ISSUANCE OF ITS CITY OF SAVANNAH FIRE SYSTEM REVENUE BOND, SERIES 2018, IN THE PRINCIPAL AMOUNT NOT TO EXCEED \$1,200,000 (THE “BOND”), PURSUANT TO AND IN CONFORMITY WITH THE CONSTITUTION AND STATUTES OF THE STATE OF GEORGIA AND ORDINANCES OF THE CITY, PAYABLE FROM A REVENUE FUND CREATED IN CONNECTION WITH ITS FIRE SERVICES UTILITY DISTRICT (THE “FIRE SYSTEM”); TO SECURE PAYMENT OF THE BOND BY A PLEDGE OF AND CHARGE OR LIEN ON THE GROSS REVENUE OF THE FIRE SYSTEM; TO PROVIDE FOR PRESCRIBING RATES AND COLLECTING FEES, TOLLS, AND CHARGES FOR THE PAYMENT OF THE BOND; TO PROVIDE FOR THE CREATION OF A FUND TO PAY THE PRINCIPAL OF AND INTEREST ON THE BOND; TO PROVIDE FOR THE REMEDIES OF THE OWNER OF THE BOND; AND FOR OTHER PURPOSES.

## TABLE OF CONTENTS

	<u>Page</u>
PREAMBLE .....	1

### ARTICLE I DEFINITIONS; RULES OF CONSTRUCTION

Section 101. Definitions.....	2
Section 102. Rules of Construction .....	3

### ARTICLE II AUTHORIZATION, TERMS, AND FORM OF BOND

Section 201. Bond Authorized .....	4
Section 202. Date, Interest Rate, and Series Designation.....	4
Section 203. [Reserved] .....	4
Section 204. Execution of Bond .....	4
Section 205. Mutilated, Lost, Stolen, or Destroyed Bond .....	4
Section 206. Ownership of the Bond .....	5
Section 207. Validation Certificate.....	5
Section 208. Medium of Payment.....	5
Section 209. Registration of Bond, Paying Agent, and Bond Registrar .....	5
Section 210. Bond Registration Book.....	5
Section 211. Exchange of the Bond .....	5
Section 212. Tax Covenant .....	6
Section 213. Form of the Bond .....	6

### ARTICLE III REDEMPTION OF BOND BEFORE MATURITY

Section 301. Optional Redemption .....	12
Section 302. Scheduled Mandatory Redemption.....	12
Section 303. Notice of Redemption .....	12
Section 304. Redemption Payments .....	12
Section 305. Cancellation .....	12

### ARTICLE IV APPLICATION OF PROCEEDS OF THE BOND

Section 401. Application of Proceeds of the Bond .....	13
--	----

### ARTICLE V REVENUE AND FLOW OF FUNDS

Section 501. Fiscal Year .....	14
Section 502. Flow of Funds .....	14

Section 503.	Gross Revenues Pledged.....	14
Section 504.	Sinking Fund for Benefit of Bondowners .....	14
Section 505.	Additional Deposits to Sinking Fund.....	14
Section 506.	Disbursements from Sinking Fund .....	15
Section 507.	Investment of Money in the Revenue Fund and the Sinking Fund.....	15
Section 508.	Priority of Bond Preserved.....	15

## ARTICLE VI DEPOSITORIES OF FUNDS AND SECURITIES FOR DEPOSIT

Section 601.	Funds Constitute Trust Funds .....	16
Section 602.	Deposits in Excess of FDIC Guarantee .....	16
Section 603.	Depositories .....	16
Section 604.	Authorized Investments .....	16

## ARTICLE VII PARTICULAR COVENANTS OF THE CITY

Section 701.	Rate Covenant.....	18
Section 702.	Failure to Adopt Rates .....	18
Section 703.	Maintenance of the Fire System .....	18
Section 704.	Fire System Free of Liens .....	18
Section 705.	Condemnation .....	18
Section 706.	Construction Fund After Loss.....	19
Section 707.	Meaning of Efficient Utilization.....	20
Section 708.	Disposition or Encumbrance of the Fire System .....	20
Section 709.	Additional Deposits to Funds.....	20
Section 710.	Records .....	20
Section 711.	Accounting, Management, and Audit Reports; Performance Audit .....	21
Section 712.	Non-Arbitrage and Tax Covenant.....	21
Section 713.	Exemption from Continuing Disclosure Requirements .....	21

## ARTICLE VIII REMEDIES

Section 801.	Events of Default .....	22
Section 802.	Remedies.....	23
Section 803.	Proceedings Discontinued, Abandoned, or Terminated .....	23
Section 804.	Limitation on Rights .....	23
Section 805.	Remedies Cumulative .....	23
Section 806.	Delay or Omission Not a Waiver.....	23
Section 807.	Right to Enforce Payment.....	23

ARTICLE IX  
MISCELLANEOUS PROVISIONS

Section 901.	Resolution Constitutes Contract .....	24
Section 902.	Subsequent Proceedings.....	24
Section 903.	Limitation on Liability .....	24
Section 904.	Validation.....	24
Section 905.	Partial Invalidity.....	24
Section 906.	Article and Section Titles.....	25
Section 907.	Repealer .....	25

Exhibit A - City Ordinances



## PREAMBLE

1. Under and by virtue of the Constitution and laws of the State of Georgia and ordinances adopted by the Mayor and Aldermen of the City of Savannah (the “**City**”), a municipality and political subdivision of the State of Georgia (the “**State**”), the City has created a special service district throughout the incorporated area of the City within which has been established a Fire Service Utility (the “**Fire System**”) which shall provide for the management, regulation, use, and enhancement of the City’s fire protection facilities and services; to prescribe and revise rates and collect fees, tolls, and charges for the services and facilities furnished by the Fire System as it may be added to, extended, improved, and equipped; and in anticipation of the collection of revenue from the Fire System, to issue revenue bonds to finance, in whole or in part, the cost of any such improvements and to pay the expenses incident thereto.

2. It appears that it is now necessary and desirable to acquire a fire service truck for use in the fire service district (the “**Fire Service Truck**”) as a part of the Fire System, which acquisition has been considered and approved by the City with the adoption of this Resolution.

3. In order to accomplish the foregoing, the City proposes to issue its CITY OF SAVANNAH FIRE SYSTEM REVENUE BOND, SERIES 2018, as a single-instrument bond, in the principal amount not to exceed \$1,200,000 (the “**Bond**”). The proceeds of the Bond will be used to finance the cost of the Fire Service Truck and to pay the fees and expenses to be incurred in connection with the issuance of the Bond.

4. The Bond now proposed to be issued and the interest thereon shall be secured by a first and prior pledge of and charge or lien on the revenues of the Fire System superior to any other charge or lien now existing or which may hereafter be created thereon (the “**Gross Revenues**”).

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Aldermen of the City of Savannah in public meeting assembled, and it is hereby resolved by authority thereof, as follows:

## ARTICLE I

### DEFINITIONS; RULES OF CONSTRUCTION

**Section 101. Definitions.** The following words and phrases and other words and phrases evidently intended as the equivalent thereof, whenever used in this instrument, unless the context clearly indicates otherwise, shall be given the following respective meanings:

**“Authentication Agent”** means The Bank of New York Mellon Trust Company, N.A. acting in its capacity as Authentication Agent for the Bond, and its successor or successors.

**“Bond”** means the CITY OF SAVANNAH FIRE SYSTEM REVENUE BOND, SERIES 2018, authorized to be issued pursuant to the terms of this Resolution.

**“Bond Registrar”** means The Bank of New York Mellon Trust Company, N.A. acting in its capacity as Bond Registrar for the Bond, and its successor or successors.

**“City”** means the Mayor and Aldermen of the City of Savannah, a municipal corporation and a political subdivision of the State of Georgia, and any public corporation, entity, body, or authority to which is hereafter transferred or delegated by law the duties, powers, authorities, obligations, or liabilities of the present municipal corporation, either in whole or in relation to the Fire System.

**“City Ordinances”** means, collectively, the ordinances adopted by the City relating to fire protection services and a fire service district, copies of which ordinances are attached hereto as Exhibit A and made a part of this Resolution.

**“Code”** means the Internal Revenue Code of 1986, as amended.

**“Fire Service Truck”** shall have the meaning given such term in the Preamble to this Resolution.

**“Fire System”** shall have the meaning given such term in the Preamble to this Resolution.

**“Fiscal Year”** means the period commencing on the first day of January 1 in each year and extending through December 31 of the next ensuing year.

**“Gross Revenue”** or **“Gross Revenues”** means all income and revenues derived from the ownership and operation of the Fire System, including investment income, as the Fire System now exists and as it may hereafter be added to, improved, and equipped.

**“Holder,” “Bondholder,”** or **“Bondowner”** means the registered owner of the Bond.

**“Interest Payment Date”** shall have the meaning given such term in Section 202 hereof.

**“Paying Agent”** means The Bank of New York Mellon Trust Company, N.A. acting in its capacity as Paying Agent for the Bond, and its successor or successors.

**“Resolution”** means this bond resolution which authorizes issuance of the Bond, including any amendments hereto.

**“Revenue Fund”** means the CITY OF SAVANNAH FIRE SYSTEM REVENUE FUND created in Section 502 hereof.

**“Revenue Fund Depository”** means the bank or trust company acting, from time to time, as depository of the Revenue Fund, currently Wells Fargo Bank, N.A., in the City of Savannah, Georgia.

**“Sinking Fund”** means the CITY OF SAVANNAH FIRE SYSTEM REVENUE BOND SINKING FUND created in Section 502(a) of this Resolution.

**“Sinking Fund Custodian”** means the bank or trust company acting, from time to time, as custodian of the Sinking Fund, currently Wells Fargo Bank, N.A., in the City of Savannah, Georgia.

**“Sinking Fund Year”** means the period in each year commencing August 2 in a year and ending on August 1 in the next ensuing year.

**“State”** means the State of Georgia.

**Section 102. Rules of Construction.** Unless the context clearly indicates to the contrary:

(a) the words “herein,” “hereby,” “hereunder,” “hereof,” “hereinbefore,” “hereinafter,” and other equivalent words refer to this Resolution as a whole and not solely to the particular portion thereof in which any such word is used;

(b) any pronoun used herein shall be deemed to cover all genders;

(c) all references herein to particular Articles, Sections, and subdivisions are references to Articles, Sections, and subdivisions of this Resolution;

(d) the use of the singular shall include the plural and the plural shall include the singular; and

(e) all accounting terms not otherwise defined herein shall have the meanings assigned to them in accordance with generally accepted accounting principles.

[END OF ARTICLE I]

## ARTICLE II

### AUTHORIZATION, TERMS, AND FORM OF BOND

**Section 201. Bond Authorized.** There is hereby authorized to be issued for the purposes aforesaid pursuant to the Constitution of the State of Georgia, the general laws of the State of Georgia, the laws of the State of Georgia relating to the City, the City Ordinances, and this resolution (the “**Resolution**”), a CITY OF SAVANNAH FIRE SYSTEM REVENUE BOND, SERIES 2018, in the principal amount not to exceed \$1,200,000 (the “**Bond**”). All the covenants, agreements, and provisions of this Resolution shall be for the benefit and security of the owner of the Bond. The Bond shall be sold and issued as a single-instrument bond at a purchase price of 100% of the principal amount thereof.

**Section 202. Date, Interest Rate, and Series Designation.**

(a) The Bond shall be issued in the principal amount not to exceed \$1,200,000, shall bear interest payable semi-annually (each an “**Interest Payment Date**”) on the dates, at a rate or rates per annum not to exceed 4.00% per annum, and shall be subject to mandatory and/or optional redemption in the years and principal amounts to be set forth in a supplemental resolution to be adopted by the City prior to the issuance and delivery of the Bond, with a final maturity date not later than August 1, 2023. The annual principal of and interest on the Bond shall not exceed \$275,000.

(b) The Bond shall be dated the date of issuance and delivery thereof, shall be issued in fully-registered form, without coupons, and shall be numbered R-1.

**Section 203. [Reserved].**

**Section 204. Execution of Bond.**

(a) The Bond shall be executed with the manually executed signature of the Mayor of the City with the official seal of the City impressed thereon and attested by the manually executed signature of the Clerk of Council.

(b) The Bond may be executed and sealed on behalf of the City by such officers who may, at the time of the execution of the Bond, hold the proper offices of the City, although on the date of the Bond or on the date of any lawful proceedings taken in connection therewith, such persons may not have held such offices.

**Section 205. Mutilated, Lost, Stolen, or Destroyed Bond.** In the event the Bond is mutilated, lost, stolen, or destroyed, the City shall execute and deliver a new bond of like tenor as that mutilated, lost, stolen, or destroyed; provided that, in the case of any such mutilated Bond, such Bond is first surrendered to the City and, in the case of any such lost, stolen, or destroyed Bond, there is first furnished evidence of such loss, theft, or destruction satisfactory to the City together with indemnity satisfactory to the City. No service charge shall be made for any such transaction, but a charge may be made to cover any actual expense incurred.

**Section 206. Ownership of the Bond.** The City may deem and treat the registered owner of the Bond as the absolute owner of the Bond for the purpose of receiving payment of the principal thereof and the interest thereon and for all other purposes.

**Section 207. Validation Certificate.** A duly executed validation certificate of the Clerk of Superior Court of Chatham County, State of Georgia, signed with the manually executed signature of such Clerk shall be endorsed on the Bond and shall be essential to its validity.

**Section 208. Medium of Payment.** The principal of and interest on the Bond shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts. The scheduled mandatory payments of principal of and interest on the Bond shall be paid by check or draft mailed by the Paying Agent by first class mail to the owner of the Bond at its address as it appears on the bond register kept by the Bond Registrar or by wire transfer to the registered owner of the Bond at a wire transfer address which said registered owner has provided to the Paying Agent not less than five days prior to an Interest Payment Date, which wire instructions shall remain in effect until the Paying Agent is notified to the contrary.

**Section 209. Registration of the Bond, Paying Agent, and Bond Registrar.** The Bond shall be registered as to both principal and interest on registration books to be kept for that purpose by The Bank of New York Mellon Trust Company, N.A., as Paying Agent, Bond Registrar, and Authentication Agent. The Paying Agent will be the Bond Registrar for the Bond and will keep, at its designated corporate trust office, proper registration, exchange, and transfer records in which it shall register the name and address of the owner of the Bond. The Bond shall have endorsed thereon a Certificate of Authentication substantially in the form hereinafter set forth, duly executed by the manual signature of an authorized signatory of the Authentication Agent, and such certificate upon the Bond when duly executed shall be conclusive evidence that the Bond has been duly authenticated, registered, and delivered, and only the Bond bearing such certificate shall be so evidenced. The person in whose name the Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and the payment of principal and interest shall be made only to or upon the order of the registered owner.

**Section 210. Bond Registration Book.** The Bond Registrar shall keep the Bond Registration Book of the City for the registration of the Bond and for the registration of transfers of the Bond as herein provided. The issuance of the Bond shall be registered upon the Bond Registration Book, and the transfer of the Bond shall be registered upon the Bond Registration Book upon the presentation and surrender of the Bond to the Bond Registrar accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall cause to be authenticated and delivered in exchange for the Bond so surrendered, a new Bond registered in the name of the transferee in a principal amount equal to the principal amount of the Bond so surrendered.

**Section 211. Exchange of the Bond.** Subject to compliance with the restrictions on transfer set forth in the Bond, the Bond, upon presentation and surrender thereof to the Bond Registrar, together with an assignment duly executed by the registered owner or his duly authorized attorney, in such form as may be satisfactory to the Bond Registrar, may be exchanged, at the option of the registered owner, for a Bond of the same maturity equal to the

principal amount of the Bond so surrendered. In all cases in which the privilege of exchanging or transferring the Bond is exercised, the City shall execute and the Bond Registrar shall authenticate and deliver a Bond in accordance with the provisions hereof. The Bond Registrar shall make no charge for such exchange or registration of transfer of the Bond except such charge as shall be sufficient to reimburse it for any tax or other governmental charge, if any, which may be required to be paid with respect to such exchange or registration of transfer. A Bond surrendered in any such exchange or registration of transfer shall be forthwith cancelled by the Bond Registrar and a record of such cancellation shall be entered in the permanent records pertaining to the Bond maintained by the Bond Registrar.

**Section 212. Tax Covenant.** In order to maintain the exclusion from federal gross income of interest on the Bond, the City covenants to comply with the applicable requirements of the Internal Revenue Code of 1986, as amended (the “**Code**”). The Director of Finance or other official of the City will execute a certificate, dated as of the date of authentication and delivery of the Bond, to the effect that, on the basis of the facts, estimates, and circumstances in existence on the date of such authentication and delivery, it is not expected that the proceeds of the Bond will be used in a manner that would cause the Bond to be an “arbitrage bond” within the meaning of § 148(a) of the Code and the applicable regulations thereunder, and such certificate shall state that, to the best of the knowledge and belief of such officer, such expectations are reasonable and there are no facts or circumstances that would materially change the expectations expressed in such certificate.

**Section 213. Form of the Bond.** The Bond and the Certificate of Validation and Certificate of Authentication to be endorsed thereon will be in substantially the following terms and form, with such variations, omissions, and insertions as may be required to complete properly the Bond and as may be approved by the officer or officers executing the Bond, which approval shall be conclusively evidenced by such execution:

[FORM OF THE BOND]

THIS BOND IS SUBJECT TO AN INVESTMENT LETTER AGREEMENT AND MAY NOT BE SOLD, TRANSFERRED, ASSIGNED, OR OTHERWISE DISPOSED OF EXCEPT PURSUANT TO THE TERMS OF SUCH INVESTMENT LETTER AGREEMENT.

*This Bond shall not be sold or transferred if such sale or transfer would void the exemption, contained in U.S. Securities and Exchange Commission Rule 15c2-12(d)(1)(i), from the disclosure requirements of Securities and Exchange Commission Rule 15c2-12(b)(5) or any similar rules or statutes in effect at the time of such sale or transfer.*

No. R-1

UNITED STATES OF AMERICA  
STATE OF GEORGIA

CITY OF SAVANNAH  
FIRE SYSTEM REVENUE BOND,  
SERIES 2018

Maturity Date: August 1, 2023  
Principal Amount: \$ \_\_\_\_\_  
Interest Rate: \_\_\_\_\_ %  
Bond Date: [Date of Issuance and Delivery]  
Registered Owner: \_\_\_\_\_

The Mayor and Aldermen of the City of Savannah, a municipal corporation and a political subdivision of the State of Georgia (the “City”), in Chatham County, for value received, hereby promises to pay or cause to be paid to the registered owner named above, or its registered assigns, the principal amount specified above, subject to the scheduled mandatory payments of principal on \_\_\_\_ 1 in the manner and in the years and amounts hereinafter set forth, on the maturity date specified above, with presentation and surrender of this Bond (this “Bond”) at the designated corporate trust office of The Bank of New York Mellon Trust Company, N.A. (the Paying Agent”).

Interest shall accrue on the outstanding principal amount of this Bond beginning on the Bond Date specified above, at a fixed rate of \_\_\_\_% per annum, and shall be payable on February 1, 2019, and August 1, 2019, and on each February 1 and August 1 of each year thereafter, together with the August 1 scheduled mandatory payments of principal herein set forth, by check or draft mailed by first class mail to the Registered Owner at its address as it shall appear on the bond register kept by the Bond Registrar or by wire transfer to the Registered Owner of this Bond at a wire transfer address which the Registered Owner has provided to the City, which wire instructions shall remain in effect until the City is notified to the contrary.

Both the principal of and interest on this Bond are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Bond Resolution

This Bond, issued as a single-instrument bond, is the duly authorized bond designated CITY OF SAVANNAH FIRE SYSTEM REVENUE BOND, SERIES 2018, in the principal amount of \$\_\_\_\_\_ (this “Bond”). This Bond is being issued to provide funds needed to pay (i) the costs of acquiring a fire service truck for the City’s fire system (the “Fire System”) and (ii) fees and expenses to be incurred in connection with the issuance of this Bond. This Bond is being issued pursuant to authority of and in accordance with the provisions of the Constitution of the State of Georgia, the laws of the State of Georgia, and ordinances adopted by the City, and was duly authorized by a bond resolution (the “Resolution”) adopted by the City on April 12, 2018.

The payment of this Bond is secured by a pledge of and charge or lien on the gross revenues derived from the ownership and operation of the Fire System superior to all other charges or liens now existing or which may hereafter be created on such revenues.

Reference to the Resolution is made for a complete description of the funds charged with and pledged to the payment of the principal of and the interest on this Bond, a complete description of the nature and extent of the security provided for the payment of this Bond, and a statement of the rights, duties, and obligations of the City, and the rights of the owner of this Bond, to all the provisions of which the owner hereof, by the acceptance of this Bond, assents.

The Resolution provides, among other provisions, for prescribing and revising rates and collecting fees, tolls, and charges for the services, facilities, and commodities furnished by the Fire System as it now exists and as it may be hereafter added to and improved, sufficient in amount to provide funds to pay into the CITY OF SAVANNAH FIRE SYSTEM REVENUE BOND SINKING FUND created under the Resolution, amounts sufficient to pay the principal of and the interest on this Bond as such principal and interest shall become due and be payable. Said sinking fund, by the provisions of the Resolution, is pledged to and charged with the payment of the principal and interest payments on this Bond.

This Bond does not constitute a debt of the City within the meaning of any constitutional or statutory limitation or provision nor a pledge of the faith and credit of the City nor shall the City be subject to any pecuniary liability hereon, and the taxing power of the City is not pledged to the payment hereof, either as to principal or interest. This Bond shall not be payable from nor a charge upon any funds other than the funds pledged to the payment hereof and is payable solely from the funds provided therefor from the revenue to be derived from the ownership and operation of the Fire System, including all future additions thereto. No owner of this Bond shall ever have the right to compel the exercise of the taxing power of the City to pay the same or the interest hereon or to enforce payment hereof against any property of the City nor shall this Bond or any interest hereon constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the City other than such revenue.

This Bond is subject to scheduled mandatory redemption on August 1 in the years and principal amounts (the August 1, 2023, amount to be paid at maturity rather than redeemed) as follows:

<u>Year</u>	<u>Principal Amount</u>
2019	
2020	
2021	
2022	
2023	



[Insert optional redemption provisions.]

The person in whose name this Bond is registered shall be deemed and regarded as the absolute owner hereof for all purposes, and payment of or on account of either principal or interest made to such registered owner shall be valid and effectual to satisfy and discharge the liability upon this Bond to the extent of the sum or sums so paid.

It is certified and recited that all acts, conditions, and things required by the constitution or statutes of the State of Georgia, to exist, happen, or be performed precedent to and in the issuance of this Bond, do exist, have happened, and have been performed in due and legal time, form, and manner as required by law, that provision has been made for the collection of a direct annual tax sufficient in amount to pay the principal of and interest on this Bond in accordance with its terms, and that the total indebtedness of the City, including this Bond, does not exceed any limitation prescribed by said constitution or statutes.

IN WITNESS WHEREOF, the Mayor and Aldermen of the City of Savannah has caused this Bond to be executed by the manual or facsimile signature of its Mayor, and its corporate seal to be hereunto reproduced and attested with the manual or facsimile signature of its Clerk of Council, as of the day first above written.

MAYOR AND ALDERMEN  
OF THE CITY OF SAVANNAH

(S E A L)

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk of Council

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bond described in the within-mentioned Resolution.

Date of Authentication: [Date of Issuance and Delivery]

THE BANK OF NEW YORK MELLON  
TRUST COMPANY, N.A.,  
Authentication Agent

(S E A L)

By: \_\_\_\_\_  
Authorized Signatory

\* \* \* \* \*

STATE OF GEORGIA     )  
                                  )  
CHATHAM COUNTY     )

VALIDATION CERTIFICATE

I, the undersigned Clerk of Superior Court of Chatham County, State of Georgia, keeper of the records and seal thereof, hereby certify that this Bond was validated and confirmed by judgment of the Superior Court of said county, on \_\_\_\_\_, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and seal or caused my official signature and the seal of the Superior Court of Chatham County to be reproduced hereon in facsimile.

(S E A L)

\_\_\_\_\_  
Clerk of Superior Court  
Chatham County, Georgia

## ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto

\_\_\_\_\_  
Social Security Number or  
Other Identifying Number of Assignee:

\_\_\_\_\_  
Please print or type name and address  
(including postal zip code) of Assignee:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ as Agent to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

\_\_\_\_\_  
Assignor

NOTICE: The signature to this Assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Date: \_\_\_\_\_, 20\_\_

Signature Guaranteed:

\_\_\_\_\_  
NOTICE: Signature(s) must be guaranteed by a member firm of the STAMP, SEMP, or MSP signature guarantee medallion programs.

[END OF BOND FORM]

[END OF ARTICLE II]

## ARTICLE III

### REDEMPTION OF BOND BEFORE MATURITY

**Section 301. Optional Redemption.** [To be provided pursuant to a supplemental resolution to be adopted by the City prior to the issuance and delivery of the Bond.]

**Section 302. Scheduled Mandatory Redemption.** The Bond is subject to scheduled mandatory redemption prior to maturity in part at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of such redemption on August 1 in the principal amounts and in the years set forth below (the August 1, 2023, amount to be paid at maturity rather than redeemed):

<u>Year</u>	<u>Principal Amount</u>
2019	
2020	
2021	
2022	
2023	

**Section 303. Notice of Redemption.** Notice of optional redemption shall be given by the City Representative to the registered owner of the Bond and the Paying Agent at least 30 days prior to the date fixed for redemption by certified mail at the address shown on the bond register of the Bond Registrar.

**Section 304. Redemption Payments.** The outstanding principal amount of the Bond when called for redemption, together with the accrued interest thereon, shall become due and payable to the registered owner on the redemption date and shall cease to bear interest from and after the redemption date and payment of the redemption price.

**Section 305. Cancellation.** Upon full redemption or maturity of the Bond, the same shall be surrendered to and cancelled by the Bond Registrar.

[END OF ARTICLE III]

## ARTICLE IV

### APPLICATION OF PROCEEDS OF THE BOND

**Section 401. Application of Proceeds of the Bond.** The proceeds derived from the sale of the Bond shall be applied by the City concurrently with the delivery of the Bond to the purchaser thereof as follows:

(a) All costs of issuance shall be paid at closing directly to those persons who shall be entitled to the same.

(b) The balance of the proceeds from the sale of the Bond shall be applied to the purchase of the Fire Service Truck.

[END OF ARTICLE IV]

## ARTICLE V

### REVENUE AND FLOW OF FUNDS

**Section 501. Fiscal Year.** The City is now operating and will continue to operate its Fire System on a Fiscal Year basis that begins on January 1 and ends on December 31 in each year, but should it desire to change its Fiscal Year at some future date, it may do so by proper resolution of its governing body so authorizing.

**Section 502. Flow of Funds.** So long as the Bond is outstanding and unpaid, the City will establish and maintain a special fund designated as the CITY OF SAVANNAH FIRE SYSTEM REVENUE FUND (the “**Revenue Fund**”). Into the Revenue Fund the City will deposit the Gross Revenues derived from the ownership and operation of the Fire System as the same now exists and may hereafter be added to, improved, and equipped. The Revenue Fund will be held separate and apart from all other funds, and will be expended and used only in the manner and order specified as follows:

At or prior to the delivery of the Bond, the City will establish and maintain, for so long as the Bond is outstanding and unpaid or provision for the payment thereof has not been made in accordance with the provisions hereof, a special fund designated CITY OF SAVANNAH FIRE SYSTEM REVENUE BOND SINKING FUND (the “**Sinking Fund**”). In the month prior to each Interest Payment Date on the Bond, on or before the last day of such month, there shall be withdrawn from the Revenue Fund and deposited in the Sinking Fund the installment of principal and interest coming due on the Bond on such Interest Payment Date.

Money on deposit in the Sinking Fund on the day immediately preceding any Interest Payment Date shall be credited against the installments of principal and interest next due until said excess funds are depleted.

**Section 503. Gross Revenues Pledged.** The Gross Revenues of the Fire System will be held by the City in trust under the terms and conditions hereof and all such funds are hereby pledged to secure the payment of the amounts herein agreed to be paid for the payment of the principal of and interest on the Bond, and the City hereby pledges such revenue to secure the payment of such amounts. The revenue so pledged shall immediately be subject to the charge or lien of this pledge without any physical delivery thereof or other act, and the charge or lien of this pledge shall be valid and binding against the City and against all parties having claims of any kind against the City whether such claims shall have arisen from a tort, contract, or otherwise and irrespective of whether such parties have notice of such pledge.

**Section 504. Sinking Fund for Benefit of Bondowner.** The Sinking Fund will be maintained and held in trust by the City for the benefit of the owner of the Bond and the beneficial interest therein shall be considered to be in such owner.

**Section 505. Additional Deposits to Sinking Fund.** Nothing contained herein shall be construed to prohibit the City, at its option, from making additional deposits or payments into the Sinking Fund from any funds which may be made available for such purpose.

**Section 506. Disbursements from Sinking Fund.** Subject to the terms and conditions of this Resolution, money in the Sinking Fund shall be disbursed for:

- (i) payment of principal and interest on the Bond as such interest or principal and interest falls due; and
- (ii) redemption of the Bond before maturity under the conditions provided therefor herein.

**Section 507. Investment of Money in the Revenue Fund and the Sinking Fund.** Money in the Revenue Fund and the Sinking Fund not currently needed for one or more of the purposes thereof may be invested in the investments described in Section 604, which investments shall mature and be payable at such times and in such manner as will make funds available for the payment of the sums due from the Revenue Fund and the Sinking Fund. Any such securities so purchased shall be held in the respective account or fund until paid at maturity, redeemed or sold, and the proceeds thereof, including interest, principal, and premium, if any, shall be immediately deposited to the credit of such account or fund.

**Section 508. Priority of Bond Preserved.** The City will not hereafter issue any other bonds or obligations of any kind or nature payable from or enjoying a charge or lien on the revenue of the Fire System prior to the charge or lien herein created for the payment of the Bond.

[END OF ARTICLE V]

## ARTICLE VI

### DEPOSITORIES OF FUNDS AND SECURITIES FOR DEPOSIT

**Section 601. Funds Constitute Trust Funds.** All money deposited in any fund created hereby shall constitute trust accounts or funds for which the City shall be responsible as trustee and shall be applied by the City only in accordance with the terms hereof and for the purposes set forth herein and shall not be subject to lien or attachment by any creditor of the City, and, except as otherwise provided herein, all funds received by the City under the terms hereof shall, subject to the giving of security as hereinafter provided, be deposited with a depository in the name of the City.

**Section 602. Deposits in Excess of FDIC Guarantee.** No money belonging to any of the funds created hereunder shall be deposited or remain on deposit with any depository or custodian in an amount in excess of the amount guaranteed by the Federal Deposit Insurance Corporation or other federal agency succeeding to the functions thereof unless such institution shall have pledged for the benefit of the City and the owner of the Bond, as collateral security for the amount of such excess deposit, direct and general obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America having a market value exclusive of accrued interest at least equal to the amount of such excess; provided, however, that it shall not be required for any such depository to secure any portion of the funds invested pursuant to the provisions hereof.

**Section 603. Depositories.**

(a) Wells Fargo Bank, N.A., in the City of Savannah, Georgia, is hereby designated as the Revenue Fund Depository and Sinking Fund Custodian.

(b) The City may from time to time designate a successor depository for or custodian of any fund or account, provided said depository or custodian agrees to comply with the applicable provisions of this Resolution.

**Section 604. Authorized Investments.** Money in the Revenue Fund and the Sinking Fund may be invested by the custodian of such funds in the following investments, if and to the extent the same are at the time legal for investment of such money:

1. obligations of the United States and of its agencies and instrumentalities, or obligations fully insured or guaranteed by the United States government or by one of its agencies;
2. bonds or certificates of indebtedness of the State of Georgia and of its agencies and instrumentalities;
3. certificates of deposit of banks which have deposits insured by the Federal Deposit Insurance Corporation; provided, however, that portion of such certificates of deposit in excess of the amount insured by the Federal Deposit Insurance Corporation must be secured by direct obligations of the State or the United States which are of a par value equal to that portion of such certificates of deposit which would be uninsured;



4. the local government investment pool established by O.C.G.A. § 36-83-8;  
and

5. such other investments as shall be authorized by law at the time such investments are made.

[END OF ARTICLE VI]

## ARTICLE VII

### PARTICULAR COVENANTS OF THE CITY

**Section 701. Rate Covenant.** The City has heretofore established or will establish and it will at all times keep in effect a schedule of rates, fees, tolls, and charges for the services, facilities, and commodities furnished by the Fire System and, as often as it shall be necessary, the City will revise and adjust such schedule of rates, fees, tolls, and charges to the extent necessary to produce funds sufficient at all times to provide sufficient revenue for the maintenance of the special funds created by this Resolution in order to pay the principal of and interest on the Bond when due in accordance and in compliance with the terms and conditions of this Resolution.

**Section 702. Failure to Adopt Rates.** In the event the City shall fail to revise and adopt a schedule or schedules of rates, fees, tolls, and charges in accordance with the provisions of this Article, the owner of the Bond, without regard to whether any default (as hereinafter defined) shall have occurred, may institute and prosecute in any court of competent jurisdiction an appropriate action to compel the City to adopt such schedule or schedules or to revise such schedule or schedules in accordance with the requirements of this Article.

**Section 703. Maintenance of the Fire System.** The City will continuously maintain the Fire System in good order and repair and will not dispose of or encumber the Fire System or any part thereof, except in accordance with the provisions of this Resolution.

**Section 704. Fire System Free of Liens.** The City will not create or permit to be created in the operation and maintenance of the Fire System any lien or charge thereon or on any part thereof or upon the revenue derived therefrom as the Fire System now exists or as it may hereafter be extended and improved ranking equally with, except as herein provided, or prior to the lien or charge herein created upon such revenue, and it will pay or cause to be discharged or will make adequate provisions to satisfy and discharge, within 60 days after the same shall accrue, all lawful claims and demands for labor, materials, supplies, or other objects which, if unpaid, might by law become a lien upon the Fire System or any part thereof or upon the revenue therefrom; provided, however, that nothing contained in this Section shall require the City to pay, or cause to be discharged, or make provisions for the discharge of any such lien or charge so long as the validity thereof shall be contested in good faith and by appropriate legal proceedings unless, by such action, the lien or charge created hereby on any part of the Fire System or the revenue therefrom shall be materially endangered or any part thereof will be subject to loss or forfeiture, in which event, any such lien shall be promptly satisfied or discharged by the filing of a bond or taking other action as prescribed by law to effect such discharge.

**Section 705. Condemnation.** If the Fire System or any part thereof or any portion of the premises upon which any part of the Fire System is located shall be taken by the exercise of the power of eminent domain, the whole compensation therefor shall be paid to the City and applied by the City as follows:

(a) *Condemnation of all or substantially all of the Fire System.* Condemnation proceeds referable to a taking of all or substantially all of the Fire System or such premises shall

be paid into the Sinking Fund for the prepayment of the Bond or, if all the principal and interest on the Bond shall have been paid, or if sufficient funds will be placed in the Sinking Fund for the prepayment of all principal and interest payable from the Sinking Fund by the payment therein of a portion of such condemnation proceeds, then any excess of such proceeds over the amount required for such payment shall be paid to the City.

(b) *Condemnation of less than substantially all of the Fire System.* Condemnation proceeds referable to a taking of less than substantially all the Fire System shall be applied as follows:

(i) If no part of the improvements constituting a part of the Fire System shall be taken or damaged or if the City, with the concurrence of its consulting engineers, shall determine that the efficient utilization of the Fire System is not impaired by such taking and there will be no significant loss of revenue by reason thereof, the net condemnation award shall be paid to the Revenue Fund.

(ii) If any part of the improvements or premises is taken or if no such determination is made with the concurrence of its consulting engineers, then the net condemnation award will be applied to the repair, rebuilding, and restoration of the Fire System or to the rearrangement of the Fire System, insofar as may be possible, so as to make the Fire System suitable for the use intended and to prevent a loss of revenue therefrom, and any balance of the net condemnation award will be paid into the Revenue Fund unless the City, with the concurrence of its consulting engineers, shall determine that the efficient utilization of the Fire System is not impaired by such taking and that such repair, rebuilding or restoration is not economically feasible for the reason that the revenue of the Fire System would not be increased thereby sufficiently to justify, in good business practice, the expenditure of such condemnation award therefor, and, if such repair, rebuilding, restoration, or rearrangement is not possible or is not undertaken so as to make such System suitable for the use intended, all the net condemnation award will be paid into the Revenue Fund.

(iii) If all principal and interest on the Bond payable from the Sinking Fund shall have been paid or if sufficient funds will be placed in the Sinking Fund for the payment in full of the Bond by the payment therein of a portion of such condemnation proceeds, then the excess, if any, of such proceeds over the amount required for such payment, shall be paid to the City.

(c) All condemnation proceeds are pledged as security for the payment of the Bond in accordance with the provisions hereof, but such proceeds shall be available for and may be applied to the cost of repair, restoration, and replacement of the condemned property; provided, however, that any portion of such proceeds remaining after payment in full of such costs shall be paid into the Revenue Fund, or, if the property is not repaired or replaced, the proceeds shall be placed in the Revenue Fund.

**Section 706. Construction Fund After Loss.** If, in accordance with any of the foregoing provisions of this Article, the Fire System is to be repaired, renewed, rebuilt, restored, or rearranged after such damage, destruction, or taking, all proceeds from such insurance or

compensation for such taking will be paid into a special trust fund to be then created and designated as a construction fund. Such trust will be administered during such repairing, renewing, rebuilding, restoring, or rearranging in accordance with, and the money held in such construction fund will be disbursed in accordance with, sound business principles.

**Section 707. Meaning of Efficient Utilization.** Whenever reference is made herein to impairment of the efficient utilization of the Fire System, such reference shall mean that the Fire System, following damage or the exercise of the power of eminent domain, will be of such a character as to be capable or as not to be capable, as the case may be, of rendering service substantially of quantity and quality comparable to that being rendered by the Fire System immediately prior to such damage or the exercise of the power of eminent domain.

**Section 708. Disposition or Encumbrance of the Fire System.**

(a) So long as the Bond is outstanding and unpaid, the City will not sell, lease, or otherwise dispose of or encumber the Fire System or any of its facilities or any of the premises on which any facilities are located as a whole or substantially as a whole unless the proceeds of such sale, lease, or other disposition together with other funds available for that purpose in the Sinking Fund shall be at least sufficient to provide for the payment in full of the principal of and the interest on the Bond. The proceeds of any such sale shall be deposited in the Sinking Fund and applied, to the extent necessary, to the redemption or payment of the Bond and the interest thereon.

(b) The City may, however, from time to time sell or dispose of any machinery, fixtures, apparatus, tools, instruments, vehicles, or other movable property constituting a part of the Fire System as the same may be added to, extended and improved, if the City shall determine that such articles are no longer needed or have become inadequate, obsolete, worn out, or unsuitable or are no longer useful in connection with the operation of the Fire System and if the proceeds of any such sale or disposition shall be applied to the replacement of the property and material so sold or disposed of or shall be deposited to the credit of the Revenue Fund.

(c) The City may also lease or sell any part of the Fire System; provided (i) such lease or sale will not in any way adversely affect the revenue from the Fire System, (ii) the City shall make a determination that such property or facility is not needed and serves no useful purpose in connection with the maintenance and operation of the Fire System, (iii) the proceeds from such lease or sale are used for extensions to or improvements of the Fire System or are deposited to the credit of the Revenue Fund, and (iv) the City is in compliance with all covenants and undertakings in connection with the then outstanding Bond.

**Section 709. Additional Deposits to Funds.** Any deposits to the Revenue Fund or the Sinking Fund made pursuant to any provision of this Article shall be in addition to all other payments or deposits required to be made therein and shall be used, to the extent permitted and practicable, in accordance with the terms and conditions hereof.

**Section 710. Records.** The City will keep the funds and accounts of the Fire System separate from all other funds and accounts of the City or of any of its departments, and it will keep accurate records and accounts of all items of cost and all expenditures relating to the Fire

System and of the revenue collected and the application thereof and of the number of customers, and it will keep said records and accounts with respect to its physical property in such manner that it will be possible at all times to identify both the amounts and the items of all additions and retirements.

**Section 711. Accounting, Management, and Audit Reports; Performance Audit.**

(a) The City will maintain its accounting records on a modified accrual basis. The City shall retain all records, books, and supporting material for a period of three years following issuance of any required audit reports and financial statements.

(b) Upon written request, financial statements of the City will be submitted on an annual basis to the Bondowner within 180 days of fiscal year end.

(c) The City shall waive the continuing performance audit or performance review of the expenditure of bond proceeds requirement of O.C.G.A. § 36-82-100, by publishing such waiver in compliance with O.C.G.A. § 36-82-100.

**Section 712. Non-Arbitrage and Tax Covenant.** The City covenants not to make or permit the use of, nor direct any depository or custodian to make any investment of, any proceeds of the Bond which, if such use or investment had been reasonably expected on the date of issuance of the Bond, would have caused the Bond to be an “arbitrage bond” within the meaning of the Code and such regulations promulgated from time to time as may be applicable to the Bond. The City is a governmental unit with general taxing powers, and 95% or more of the net proceeds of the Bond is to be used for local government activities of the City. The City further covenants that it will comply throughout the term of the Bond with the requirements of the Code and any applicable regulations to the end of preventing the Bond from becoming an “arbitrage bond.” In addition, the City will take or cause to be taken all actions required to comply with all provisions of federal law applicable to the Bond necessary to be complied with in order for the interest on the Bond to be excluded from federal income taxation and it will not take nor permit anyone under its direction or control to take any action which would cause the exclusion from federal income taxation to be lost. Nothing contained in this Section shall be construed to impose contractual obligations on the City which are more onerous or burdensome than the requirements (as they shall exist from time to time) of the Code and any applicable regulations which must be observed in order to prevent the Bond from becoming an “arbitrage bond” and in order to prevent the interest on the Bond from becoming subject to federal income taxation.

**Section 713. Exemption from Continuing Disclosure Requirements.** The City covenants that the continuing disclosure requirements of Securities and Exchange Commission Rule 15c2-12(b)(5) do not apply to the Bond because the issuance and delivery of the Bond to the Bondowner will comply with the exemption contained in § 15c2-12(d)(1)(i) of said rule.

[END OF ARTICLE VII]

## ARTICLE VIII

### REMEDIES

**Section 801. Events of Default.** Each of the following events is hereby declared an event of default, that is to say if:

(a) Payment of interest or principal and interest on the Bond shall not be made when the same shall become due and payable, either at maturity or by proceedings for prepayment or redemption;

(b) The City shall, for any reason, be rendered incapable of fulfilling its obligations hereunder;

(c) An order or decree shall be entered with the consent or acquiescence of the City appointing a receiver or receivers of the Fire System or of the revenue therefrom or any proceedings shall be instituted with the consent or acquiescence of the City for the purpose of effecting a composition between the City and its creditors or for the purpose of adjusting claims of such creditors pursuant to any federal or state statute now or hereafter enacted if the claims of such creditors are, under any circumstances, payable out of the revenue of the Fire System, or if such order or decree, having been entered without the consent and acquiescence of the City, shall not be vacated or discharged or stayed on appeal within 60 days after entry thereof or if such proceeding, having been instituted without its consent or acquiescence, shall not be withdrawn or any orders entered shall not be vacated, discharged or stayed on appeal, within 60 days after the institution of such proceedings or the entry of such order;

(d) Final judgment for the payment of money shall be rendered against the City if such judgment, under any circumstances, is payable out of the revenue derived from the ownership and operation of the Fire System, and any such judgment shall not be discharged within 60 days from the entry thereof or no appeal shall be taken therefrom or from the order, decree, or process upon which or pursuant to which such judgment was granted or entered in such manner as to set aside conclusively any execution of or levy under such judgment, order, decree or process for the enforcement thereof; or

(e) The City shall default in the due and punctual performance of any other of the covenants, conditions, agreements, or provisions contained in this Resolution on its part to be performed, and such default shall continue for 30 days after written notice specifying such default and requiring same to be remedied shall have been given to the City by the owner of the Bond unless action to remedy such default shall have been undertaken and more than 30 days is required for its completion in which event the City may permit such default to remain undischarged during the time required for the completion of such action and any appeal therefrom, irrespective of whether such period extends beyond the 30 day period after the giving of notice, unless by such action, the lien or charge hereof on any part of the revenue of the Fire System shall be materially endangered or the Fire System or the revenue therefrom or any part thereof shall be subject to loss or forfeiture, in which event, such default shall be promptly remedied.

**Section 802. Remedies.** Upon the happening and continuance of any event of default by the City in any one of the ways specified in the preceding Section, then and in every such case the owner of the Bond may proceed, subject to the provisions of Section 804, to protect and enforce the rights of the owner of the Bond hereunder by suit, action or special proceedings in equity or at law in aid or execution of any power herein granted or for the enforcement of any proper legal or equitable remedy deemed most effectual to protect and enforce such rights, insofar as such may be authorized by law, or for the right to the appointment, as a matter of right and without regard to the sufficiency of the security afforded by the Fire System, of a receiver for all or any part of the Fire System and the earnings, revenues, and income therefrom, and the rights to enforce remedies afforded to bondowners under the Georgia Revenue Bond Law.

**Section 803. Proceedings Discontinued, Abandoned, or Terminated.** In case any proceeding taken by the owner on account of any default shall have been discontinued or abandoned for any reason or shall have been determined adversely to such owner of the Bond, then and in every such case, the City and the owner of the Bond shall be restored to their former positions and rights hereunder, respectively, and all rights, remedies, powers, and duties of the owner of the Bond shall continue as though no such proceeding had been taken.

**Section 804. Limitation on Rights.** No owner of the Bond secured hereby shall have any right in any manner whatever to affect, disturb, or prejudice the security granted and provided herein or to enforce any right hereunder except in the manner herein provided.

**Section 805. Remedies Cumulative.** No remedy herein conferred upon the owner of the Bond is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity or by statute.

**Section 806. Delay or Omission Not a Waiver.** No delay or omission by the owner of the Bond to exercise any right or power accruing upon any default occurring and continuing as aforesaid shall impair any such right or power or be construed as a waiver of any default or an acquiescence therein and every power and remedy given by this Article to the owner of the Bond may be exercised from time to time and as often as may be deemed expedient.

**Section 807. Right to Enforce Payment.** Nothing in the Resolution or in the Bond shall affect or impair the right of action of the owner of the Bond, which is absolute and unconditional, to enforce payment of such Bond in accordance with the provisions of this Resolution.

[END OF ARTICLE VIII]

## ARTICLE IX

### MISCELLANEOUS PROVISIONS

**Section 901. Resolution Constitutes Contract.** The provisions, terms, and conditions of this Resolution constitute a contract by and between the City and the owner of the Bond and, after the issuance of the Bond, this Resolution will not be repealed or amended in any respect which will adversely affect the rights and interests of the owner of the Bond nor will the governing body of the City adopt any resolution in any way ever adversely affecting the rights of such owner so long as the Bond authorized by this Resolution or the interest thereon shall remain unpaid.

**Section 902. Subsequent Proceedings.** Any subsequent proceeding or proceedings shall in nowise conflict with the terms and conditions of this Resolution, but shall, for all legal purposes, contain all the covenants, agreements, and provisions of this Resolution for the protection and benefit of the owner of the Bond.

**Section 903. Limitation on Liability.**

(a) Should the Bond not be presented for payment when due, either at final maturity or for prepayment, the City will retain in the Sinking Fund, from the funds transferred thereto for the purpose of paying the Bond, for the benefit of the owner thereof, a sum of money sufficient to pay the Bond when the same is presented by the owner thereof for payment. All liability of the City to the owner of such Bond and all rights of such owner against the City under the Bond or under this Resolution shall thereupon terminate, and the sole right of such owner shall thereafter be against such deposit.

(b) If the Bond shall not be presented for payment within the period of five years following the date when such bond becomes due, either at maturity or by redemption, the City may transfer to its general fund all funds theretofore held by it in the Sinking Fund for payment of such bond, and such Bond shall, subject to the defense of any applicable statute of limitations, thereafter be an unsecured obligation of the City.

**Section 904. Validation.** The Bond and the City Ordinances shall be validated in the manner provided by law, and, to that end, notice of the adoption of this Resolution and a copy hereof shall be served upon the District Attorney of the Eastern Judicial Circuit of Georgia in order that proceedings for the above purpose may be instituted in the Superior Court of Chatham County, and said notice shall be executed by an authorized officer of the City.

**Section 905. Partial Invalidity.** In case any one or more of the provisions of this Resolution or of the Bond issued hereunder shall for any reason be held to be illegal or invalid by a court of competent jurisdiction, such illegality or invalidity shall not affect any other provisions hereof or of the Bond unless expressly so held, but this Resolution and the Bond shall be construed and enforced as if such illegal or invalid provisions had not been contained herein or therein, and this Resolution shall be construed to adopt, but not to enlarge upon, all the applicable provisions of the Georgia Revenue Bond Law, and, if any provisions hereof conflict with any applicable provision of said law, the latter as adopted by the legislature and as



interpreted by the courts of this state shall prevail and shall be substituted for any provision hereof in conflict or not in harmony therewith.

**Section 906. Article and Section Titles.** The titles preceding each Section of this Resolution are for convenience of reference only and are not intended to define, limit or describe the scope or intent of any provisions of this Resolution.

**Section 907. Repealer.** Any and all resolutions or ordinances or parts of resolutions or ordinances in conflict with this Resolution shall be and the same hereby are repealed, and this Resolution shall be in full force and effect from and after its adoption.

[END OF ARTICLE IX]

APPROVED AND ADOPTED, this April 12, 2018.

MAYOR AND ALDERMEN  
OF THE CITY OF SAVANNAH

By: \_\_\_\_\_  
Mayor

Exhibit A

CITY ORDINANCES

[Copies attached.]



**AN ORDINANCE**  
**To Be Entitled**

AN ORDINANCE TO AMEND THE CHARTER  
OF THE CITY OF SAVANNAH, GEORGIA  
PURSUANT TO THE PROCEDURES FOR HOME RULE CHARTER AMENDMENT  
TO PROVIDE FOR RATES, FEES AND CHARGES  
FOR CERTAIN SERVICES; TO PROVIDE FOR  
EFFECTIVE DATES; TO REPEAL CONFLICTING  
PROVISIONS; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and Aldermen of Savannah, Georgia, in regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: That Section 5-107 of Chapter 1., Taxation, of Article 5., Finance & Taxation, shall be deleted in its entirety and a new Section 5-107 entitled "Ad valorem property tax; Authority to collect; Other taxes; Franchises; Collection of Delinquent Taxes and Fees" be inserted in lieu thereof as follows:

- (a) **Property Taxes.** The Mayor and Aldermen of the City of Savannah may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations and for any other public purpose as determined by the Mayor and Aldermen of the City of Savannah in its discretion.
- (b) **Millage Rate; Due Dates; Payment Methods.** The Mayor and Aldermen of the City of Savannah, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.
- (c) **Occupation and Other Excise, Sales and Use Taxes.** The Mayor and Aldermen of the City of Savannah, by ordinance, shall have the power to levy such occupation or other excise, sales and use taxes as are not denied by law. The Mayor and Aldermen of the City of Savannah may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Subparagraph (h).
- (d) **Franchises.**

(1) Except where otherwise provided by general law, the Mayor and Aldermen of the City of Savannah shall have the power to grant franchises for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television, telecommunications companies and internet service providers, gas companies, transportation companies, and other similar organizations. The Mayor and Aldermen of the City of Savannah shall determine the durations, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no right of use of public rights-of-way shall be granted unless the city receives just and adequate consideration thereof. The Mayor and Aldermen of the City of Savannah shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk for that purpose. The Mayor and Aldermen of the City of Savannah may provide by ordinance for the registration within a reasonable amount of time of all franchises previously granted.

(2) Except where otherwise provided by general law, if no franchise agreement is in effect, the Mayor and Aldermen of the City of Savannah has the authority to impose an excise tax on gross receipts for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television, telecommunications companies and internet service providers, gas companies, transportation companies, and other similar organizations.

(3) If unpaid, such charges shall be collected as provided in Subparagraph (g).

(e) Special Assessments. The Mayor and Aldermen of the City of Savannah, by ordinance, shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Subparagraph (g).

(f) Construction; Other Taxes Allowed by Law. The city shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power or authority in this article shall not be construed as limiting in any way the general powers of the city to govern its local affairs.

(g) Collection of Delinquent Taxes and Fees. The Mayor and Aldermen of the City of Savannah, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due to the city under this section by whatever reasonable means are not precluded by law. This shall include



providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 2: That Chapter 2., Garbage and Sewerage Charges, of Article 5., Finance & Taxation, shall be deleted in its entirety and a new Chapter 2 entitled "Rates, Fees and Charges for Services" be inserted in lieu thereof as follows:

Section 5-201. – Solid waste and sanitation collections services. The Mayor and Aldermen of the City of Savannah is authorized and empowered to collect within the corporate limits of the City of Savannah rates, fees and charges for solid waste and sanitation collection services.

Section 5-202. – Sanitary sewer and stormwater collection, treatment and disposal fees. The Mayor and Aldermen of the City of Savannah is authorized and empowered to collect within the corporate limits of the City of Savannah a rate, fee, or charge for the collection, treatment and disposal of sanitary sewage and stormwater.

Section 5-203. – Fire Services. The Mayor and Aldermen of the City of Savannah is authorized and empowered to provide fire fighting, fire prevention and fire protection services within and without the corporate limits of the City of Savannah and to establish and impose rates, fees and charges for such services on all real and personal properties receiving the benefit thereof.

Section 5-204. – Special Districts. For the services enumerated above, or any services authorized by this Charter or the Constitution and general laws of the State of Georgia, the Mayor and Aldermen of the City of Savannah may, by ordinance, create special districts within the corporate limits of the City of Savannah in which it may levy taxes, and/or impose rates, fees or charges, or both, to pay, wholly or partially, the cost of providing such services therein and to construct and maintain facilities therefor; provided, however, no special district may be established by ordinance, no any fees, assessments, and taxes levied therein, if preempted or superseded by general law pursuant to subpar (c) of the 1983 Constitution, Art. 9, §2, Par. VI.

Section 5-205. – Service Charges. The Mayor and Aldermen of the City of Savannah, by ordinance, shall have the power to assess and collect rates, fees, and charges, for water supply, treatment and distribution, for sanitary and storm sewer collection, treatment and disposal, for sanitation and health services, or for any other services, governmental or proprietary, provided or made available within and without the corporate limits of the city for the total cost to the city of providing or making available such services. When a fee is imposed to pay for a service rendered to persons or properties within a designated area and a benefit is

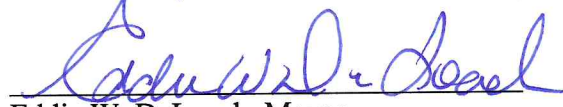
received by such person or property, such fees shall be segregated from other general revenues of the City of Savannah so as to be used and expended only for the service designated.

Section 5-206. – Charges are independent of taxes. The rates, fees and charges herein authorized by section 5-201, 5-202 and 5-203 above shall be independent of and in addition to any lawful taxes which are now, or may hereafter be levied by the Mayor and Aldermen of the City of Savannah, against any person, firm or corporation or against any real or personal property owned or possessed by any person, firm or corporation.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: Section 5-107 and Chapter 2 shall become effective on January 1, 2018.

ADOPTED AND APPROVED: December 21, 2017

  
Eddie W. DeLoach, Mayor

  
CLERK OF COUNCIL



**AN ORDINANCE**  
**To Be Entitled**

AN ORDINANCE TO AMEND PART 3, CHAPTER 2, PERTAINING TO FIRE PREVENTION AND PROTECTION OF THE CODE OF THE CITY OF SAVANNAH, GEORGIA (2003) TO ESTABLISH A FIRE SERVICES UTILITY; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR A SPECIAL REVENUE FUND; TO PROVIDE FOR SCOPE OF RESPONSIBILITY; TO ESTABLISH FIRE SERVICES FEES; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY the Mayor and Aldermen of Savannah, Georgia, in regular meeting of Council assembled, and pursuant to lawful authority thereof:

SECTION 1: That Part 3, Chapter 2 of the Code of the City of Savannah, Georgia (2003), be amended by inserting a new Article G entitled Fire Services Special Revenue Fund:

Article G. FIRE SERVICES SPECIAL REVENUE FUND

Sec. 3-2081. Purpose. This ordinance establishes the Savannah Fire Services Special Revenue Fund and establishes fire user fees.

Sec. 3-2082. Findings of Fact. The Mayor and Aldermen of the City of Savannah make the following findings of fact:

- (a) The City of Savannah is authorized by the Georgia Constitution of 1983, including, without limitation, Article IX, Section II, Paragraph VI thereof, to create special service districts for the provision of services within such districts, and to levy and collect within such districts fees and assessments to pay, wholly or partially, the cost of providing such services therein.
- (b) The City of Savannah, Georgia, is authorized by its Charter to fix and establish fire service limits and from time to time to extend, enlarge or restrict same.
- (c) In accordance with O.C.G.A. § 36-70-20, areas of Chatham County that are serviced by Savannah Fire and Emergency Services (SFES) are defined in the Service Delivery Strategy (SDS), most recently certified in 2016.
- (d) In promulgating the regulations contained in this Article, the City of Savannah is acting pursuant to authority granted by the



Constitution and laws of the State of Georgia and its City Charter to provide for fire services.

- (e) A system for fire services provides special benefit to properties within the City of Savannah, through increased value and marketability, heightened use and enjoyment of the property, reduced risk to life and property due to fire, and reduced insurance premiums.
- (f) The cost of maintaining a constant state of availability, readiness and preparedness, which is the primary function of SFES, should, to the extent practicable, be allocated in relationship to the services made available to the property by the SFES. Initial fire response to a particular property, and the cost to the SFES to be prepared to provide such a response, is affected by building size as well as the risk (i.e. the probability and/or the consequence) of a fire occurring at a particular property.
- (g) The financing analysis and related documents prepared by SFES properly assesses and defines the SFES needs, goals, priorities as well as the SFES funding strategy.
- (h) Given the SFES needs, goals, priorities and funding strategy identified in the aforementioned financing analysis, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the maintenance, protection, control, regulation, use, and enhancement of fire protection services, systems and facilities within the City in concert with other resource management programs.
- (i) Fire services are applicable and needed throughout the incorporated areas of the City. While specific service and facility demands may differ from area to area at any given point in time, one service area encompassing all lands within the incorporated areas of the City is consistent with the present and future needs of the community.
- (j) It is practical and equitable to allocate the cost of maintaining a constant state of availability, readiness and preparedness to provide fire services among the owners of property in proportion to the demands the properties impose on SFES which result in benefits to such properties and the owners thereof. The fair and equitable apportionment of costs via the user fee charge should correlate to the fire services made available to properties.

- (k) The fire services in the City include, but are not limited to protection of the public health, safety, and welfare of the properties, property owners and residents of the City. Provision of fire services renders and/or results in both a service and a benefit to all properties, property owners, citizens, and residents of the City, although said benefits may be indirect or immeasurable.
- (l) The most equitable means to provide fire services within the City is through fire user fee charges and other mechanisms.
- (m) A schedule of fire user fee charges based in part on the amount of livable space on all properties of different customer classes (i.e., residential, commercial, institutional, industrial, etc.), with residential fees being charged based on each residential dwelling unit and all other fees being calculated as a rate per square foot of developed space, is the most appropriate and equitable means of allocating the cost of providing fire services throughout the City.
- (n) To ensure that the City's fire service charge is reasonably correlated to the cost to SFES to make service available to all properties within the City's Fire District, a rate modifier based on risk, as established through the SFES's Community Risk Assessment, shall be applied to each property.
- (o) Fire service fee charges may be supplemented by other types of fees and charges which address specific needs, including, but not limited to, special user fees, special assessments, revenue bonds, use of proceeds from special purpose local option sales taxes (SPLOST) and other forms of revenue, as deemed appropriate by the Mayor and City Council.
- (p) The existence of privately owned and maintained on-site fire facilities, systems, programs and services which reduce, or otherwise mitigate, the impact of a particular property on the City's fire protection program, and reduce the risk of a fire occurring at that property, should be taken into account to reduce the user fee charge on that property in the form of a credit, and such credit should be conditioned upon continuing provision of such facilities in a manner complying with the standards and codes as determined by the National Fire Protection Association and SFES. Discounts for privately owned and maintained fire facilities, systems, programs or services shall incentivize risk reduction behaviors and be generally proportional to the effect that such facilities or systems have on reduction and mitigation of the fire risk generated by the property. By reducing overall risk to life and property, SFES will reduce risk to their personnel and

equipment reducing overall cost to the department and allowing SFES to maintain a high ISO rating, which reduces the cost of fire insurance to properties.

- (q) It is imperative that the proceeds from all services fee charges for fire services, systems or facilities, together with any other supplemental revenues raised or otherwise allocated specifically to fire services, systems or facilities, be dedicated solely to those purposes, and such proceeds of user fee charges and supplemental revenues shall therefore be deposited into the Fire Special Revenue Fund and held in trust. Said funds shall remain in that fund and be dispersed only for fire services capital, operating and non-operating costs, lease payments and debt service of bonds or other indebtedness for fire protection purposes.
- (r) In order to protect the health, safety and welfare of the public, the governing authority of Savannah hereby concludes a Fire Services Utility, funded by a dedicated Fire Special Revenue Fund, is warranted as the best available means of addressing the foregoing needs and legal requirements. By separate ordinance, the City will enact a user fee rate structure to establish user fees for the provision of fire services.

Sec. 3-2083. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Commercial* is a category used to described professional office space (e.g., law offices, doctors'/dentists' offices, realtors, etc.) as well as all service and non-service related commercial activities including, but not limited to, uses that include bars, restaurants, shops, lodging, gas stations, studios and grocery stores.
- (b) *Industrial* is a category used to describe high intensity land uses such as manufacturing, assembly, and processing activities where noise, particulate matter, vibration, smoke, dust, gas, fumes, odors, radiation, or other nuisance characteristics may result, as well as industrial land uses such as wholesale trade and distribution.
- (c) *Multi-Family Residential* is a category used to describe instances where multiple residential structures are located on a single lot or instances where one structure contains multiple units (i.e., apartments, mobile home parks and condos).



(d) *Public/Institutional* is a category used to describe certain federal, state, or local government uses, and institutional land uses. Government uses include City halls, County courthouses, government building complexes, police and fire stations, public libraries, post offices, and schools. Institutional uses include colleges, churches and hospitals. This category is also used to describe areas of land specifically designed for active and passive recreational use (e.g., parks, playgrounds, beaches, and public swimming pools), tracts of land dedicated for use by public utilities such as electricity, gas, and water services (e.g., power plants, and sewer treatment plants).

(e) *Service District* means the entire land area within the corporate limits of the City as now configured and hereafter amended.

(f) *Single-Family Residential Property* (or SFR) means developed property containing one residential structure with no more than two dwelling units in or attached thereto, situated upon a single lot of record. Improved property may be classified as SFR even if supplemental accessory structures are present such as garages, carports, storage buildings, guesthouses, servants or caretakers quarters, cottages or barns, or the presence of a commercial use within the residence. SFR properties shall not include improved property containing structures used primarily for non-residential purposes; manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes; residential condominium developments with more than two units; or vacant/undeveloped property.

(g) *Fire Services* mean all services provided by the City which relate to:

- (1) fire suppression, prevention, response and protection;
- (2) the maintenance, repair and replacement of existing fire protection facilities and equipment;
- (3) the planning, development, design and construction of additional fire protection facilities and equipment to meet current and anticipated needs;
- (4) the regulation of the use of fire services, facilities and equipment; and

(5) the compliance with applicable State and Federal fire protection regulations and permit requirements.

(h) *Fire systems and facilities* mean all personnel, equipment, physical works, properties and improvements which are used to provide fire protection services.

(i) *Fire user fee* means the periodic user fee charge imposed pursuant to this Article by the Savannah Fire Utility for providing fire services. This term shall exclude special charges to the owners of particular properties for services or facilities related to fire protection, including, but not limited to, charges for fire inspections for which a corresponding fee is collected for the service rendered.

(j) *Undeveloped Land* means land in its unaltered natural condition.

(k) *User* is defined as any person who uses property to whom fire services are made available or provided.

#### Sec. 3-2084. Fire Special Revenue Fund Established.

(a) There is hereby established a Fire Services Utility to be known as the Savannah Fire Utility which shall be responsible for fire protection services throughout the incorporated areas of the City, and which shall provide for the management, regulation, use and enhancement of the City's fire protection facilities and services.

(b) There is hereby established a Fire Special Revenue Fund in the City budgeting and accounting systems for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the SFES, including, but not limited to, rates, charges, and fees as may be established by the Mayor and Aldermen of the City of Savannah from time to time, and other funds that may be transferred or allocated to the Savannah Fire Utility.

(c) All revenues and receipts of the Savannah Fire Utility shall be placed in the Fire Special Revenue Fund in trust, to be expended solely for fire protection purposes. All expenses and capital investments of the Fire Utility shall be paid from the Fire Special Revenue Fund; provided, however, that other revenues, receipts and resources not accounted for in the Fire Special Revenue Fund may be applied to fire protection services as deemed appropriate by the City.

(d) The City shall place responsibility with the Fire Chief, or his/her designee, for operation, maintenance and regulation of the Fire Protection Utility and fire services and facilities performed, owned and operated or

maintained by Savannah, and other related assets, including, but not limited to, properties upon which fire protection facilities are located, as well as certain equipment used solely for fire protection.

Sec. 3-2085. Fire Service Area. There shall be one fire service area in the City which shall encompass the municipal boundaries of Savannah. In that all developed properties within such service area receive fire protection services from the City, a fire protection user fee shall be generated for each one.

Sec. 3-2086. Scope of Responsibility for Fire Protection Systems and Facilities. It is the express intent of this Article to protect the public health, safety and welfare of people and property in general, but not to create any special duty or relationship with any individual person, or to any specific property within or outside the municipal boundaries of the City. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the City, its elected officials, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.

Sec. 3-2087. Fire Service User Fees.

(a) It shall be the policy of the City that user fees for fire services to be provided by the Fire Utility in the designated service area shall be equitably derived through methods which have a demonstrable relationship to the demands and impacts imposed on the fire services by individual properties and/or the level of service rendered by, or resulting from, the availability of fire services. Fire user fee charge rates shall be adopted via the rate ordinance and be structured so as to be uniform within the customer class, and the resultant user fees shall bear a reasonable relationship to the cost of maintaining a constant state of availability, readiness and preparedness to adequately respond to a particular property. A fire service fee shall be in addition to other rates, charges, or fees employed for fire services within the incorporated areas of the City as defined herein.

(b) To the extent practicable, discounts against fire user fees shall be provided for on-site fire protection facilities, systems or programs constructed, operated, maintained and performed to the City's standards by public and private property owners which mitigate or compensate for the fire risk that the property poses to the public fire protection systems and facilities.

**SECTION 2:** That Part 3, Chapter 2 of the Code of the City of Savannah, Georgia (2003), be amended by inserting a new Article H entitled Fire Service Fee:



## Article H. FIRE SERVICE FEE

Sec. 3-2091. Purpose. This ordinance shall serve the purpose of establishment and set up of the Fire Service Fee Rate Structure and Billing Mechanism.

Sec. 3-2092. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Discount* means a reduction in the amount of a customer's fire service fee charge in recognition of a customer's efforts to mitigate the response burden imposed on the SFES, and the SFES cost of providing fire services.
- (b) *Dwelling Unit* shall mean a structure, regardless of the type or method of construction, which contains one (1) or more bedrooms, a bathroom, and cooking facilities, designed for occupancy by a one or more person(s) regardless of relationship, living as a single-family unit.
- (c) *Equivalent Residential Unit (ERU)* means the fire service fee charge billing unit increment related to the median building square footage of a single family home, 1,700 square feet.
- (d) *Non-Single Family Residential (NSFR)* property shall mean a parcel of land that consists of various non-residential land uses not classified as single family residential by the Chatham County Tax Assessor.
- (e) *Single-Family Residential (SFR)* property means developed property defined as single family residential by the Chatham County Tax Assessor.
- (f) *Undeveloped Property* means a parcel with no structures located within the parcel boundaries.

The SFES Standards of Cover Report, the Fire Services Funding Analysis; and applicable supporting, project-related documents are incorporated herein by reference.

Sec. 3-2093. Fire Utility Customer Classes.

- (a) The Fire Utility shall establish specified customer classes within the service area to reflect differences in building structure and contents; needed fire flow; fire protection services provided by SFES customers; and the respective demand that those customers' properties place on SFES, water supply system, and fire protection vehicles and equipment. All State, Federal, and County properties are subject to the user fee charges on the same basis as private properties. The

Fire Services Utility classes will encompass all developed and undeveloped properties within the City and are defined as follows:

- (1) The Single Family Residential (SFR) Class shall consist of all developed properties classified as SFR customers per the applicable definition.
  - (2) The Non-Single Family Residential (NSFR) Class shall consist of all developed properties classified as NSFR customers per the applicable definition.
  - (3) The Undeveloped Class shall consist of properties classified as undeveloped per the applicable definition.
- (b) Documentation pertaining to the Fire Utility customer classes shall be kept on file in the office of the Fire Chief, or his/her designee, for public inspection.

Sec. 3-2094. Fire Service User Fee Charge Rates.

- (a) The Fire Utility shall impose a fire service user fee on all properties within the service area in a fair and equitable manner. The Fire Utility shall apportion the cost of providing fire services to all properties based on the demand the property places on the SFES and the cost to the SFES to stand ready to provide fire services.
- (b) Fire service fee charge rates shall be set and may be modified from time to time by the Mayor and Aldermen of the City of Savannah. A schedule of said rates shall be on file in the office of the City Clerk of Savannah. In setting or modifying such rates, it shall be the goal of the City to establish rates that are fair, equitable and reasonable, and together with other funding sources available to the Fire Service Utility for services, systems, and/or facilities related to fire services are sufficient to support the cost of the SEES, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the City.
- (c) The basis for calculation of the fire service fee charge to all property within the City is established in this Article. The City shall assign or determine the customer class, building square footage, risk factor, and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver fire services and to calculate the fire service fee charges for all properties in the City.



(d) Fire service fee charges shall be based upon the total number of Equivalent Residential Units (ERUs) associated with properties within the City. Each ERU shall correspond to 1,700 square feet.

(1) The number of ERUs that will be utilized to calculate the user fee charge shall be in general accordance with the following:

(A) SFR Customer Class: Each SFR customer account shall be charged 1.0 ERU for each SFR dwelling unit on that parcel. Attached single family residential structures including townhomes and condominiums would be assigned 1.0 ERU, which would then be multiplied by the appropriate risk multiple for the full property. Duplexes, triplexes and quadplexes where the units are considered to be individual structures by the Tax Assessor, i.e. they have a fire wall between them, will have each unit treated as an individual single-family unit.

(B) NSFR Customer Class: Each NSFR customer shall be assigned one ERU for each 1,700 square feet of building space, or increment thereof, to establish the number of ERUs for that parcel. Fractional ERUs will be rounded down to the nearest 0.1 ERU.

(i) The maximum amount of building square footage per parcel that will be considered in the fire fee calculation will be 83,500 feet of building space.

(C) Undeveloped Property Customer Class: Each undeveloped property customer shall be charged the minimum billing unit of 1.0 ERU per parcel.

(e) To ensure that the fire service fee is reasonably correlated to the cost to SFES to make service available to all properties within the City's Fire District, fire service fee charges shall be subject to a risk rate modifier, based upon the risk classification assigned to a parcel by the SFES. Based upon the Community Risk Assessment, SFES has assigned one of the following risk categories to individual properties within the City. A risk modifier will be applied to the ERU calculation for each parcel based upon the relative cost to the SFES to provide the minimum response required for each of these risk categories:

(1)

Risk Level	Modifier
Special	1.5
High	1.2

Moderate	1.0
Low	0.2

(2) The risk modifier shall be applied to the ERU calculation for a particular parcel to calculate the total number of ERUs.

(f) Fire service fee charges shall be billed on the customer's annual City property tax bill, beginning in September 2018, as provided in this Article.

(1) Customers that do not receive a property tax bill from the City shall be billed for fire services via a method and frequency established by the City.

(2) The property owner will be charged for the total number of ERUs for residential customer accounts that are part of a larger common development such as multi-family complexes or manufactured home parks.

Sec. 3-2095. Fire Service User Fee Charge Exemptions. Except as otherwise provided by law, no public or private property located in the incorporated area of the City shall be exempt from the fire service fee charges. The fire protection fee charge is not a tax and no exception, offset, or other reduction in fire service fee charges shall be granted based on age, tax status, economic status, race, religion, disability, or other condition unrelated to the SFES cost of providing fire services and facilities.

Sec. 3-2096. Fire Service User Fee Charge Discounts.

(a) The Fire Chief, or his/her designee, shall grant discounts or adjustments based on the technical and procedural criteria set forth in the Fire Services Fee Discount Manual (Discount Manual), which is incorporated into this Ordinance by reference and made a part hereof. Copies of the Discount Manual will be maintained by and made available from the SFES.

(1) Customers may apply for credits and/or adjustments in accordance with the Discount Manual.

(2) A fire service fee charge discount shall be determined based on the technical requirements, standards and criteria contained in the Discount Manual. The amount of discount, or reduction of the fire service fee charge, shall be in accordance with the criteria contained in the Discount Manual.

(3) Any discount allowed against the fire service fee charge is conditioned on continuing compliance with the City's design and performance standards as stated in the Discount Manual and upon

continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the customer. The Fire Chief, or his/her designee, may revoke a discount at any time for noncompliance with applicable standards and criteria as established in the Discount Manual or this Article.

(4) In order to obtain a discount, the customer must make application to the City on forms provided by the Fire Chief, or his/her designee, for such purpose, and in accordance with the procedures outlined in the Discount Manual.

(5) The application for any credit or adjustment must be in writing and must include the information necessary to establish eligibility for the credit or adjustment, and be in the format described in the Discount Manual. The customer's public utility account must be paid and current prior to review and approval of a fire service fee credit application by the SFES. Incomplete applications will not be accepted for consideration and processing.

(6) When an application for a discount is deemed complete by the Fire Chief, or his/her designee, they shall have 60 days from the date the complete application is received to approve the discount in whole, approve the discount in part, or deny the discount. The Fire Chief's, or his/her designee's, decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.

Sec. 3-2097. Fire Service User Fee Charge Billing, Delinquencies, Collections, Adjustments. The property owner, as identified from the Tax Digest and other public records of Chatham County, shall be obligated to pay the applicable fire protection fee charge.

(a) Billing.

(1) Fire service fee charges shall begin to accrue January 1, 2018, and shall be billed in arrears. A bill for fire service fee charges may be sent through the United States Postal Service or by alternative means, notifying the customer of the following items (as a minimum): the fire service fee charge amount (less any approved discounts), the date the payment is due and the date when payment is past due.

(2) Frequency of the billing of fire protection fee charges shall be specified by the City.

(3) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of



each property subject to fire service fee charges shall be ultimately obligated to pay fire protection fee charges and any interest at the rate of eighteen (18%) percent per annum on delinquent fire service fee charge payments.

(4) If a property is unbilled, or if no bill is sent for a particular tract of property, the City may back bill for a period of up to three (3) years, but shall not be entitled to any interest or any delinquency charges during the back billed period.

(b) Delinquencies and Collections.

(1) Unpaid fire service fees shall be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any judgment obtained thereby, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a writ of fieri facias issued, the unpaid fire service fee charge shall not constitute a direct lien against the owner or the property.

(2) A late charge shall be assessed against the customer for the unpaid balance of any fire service fee charge that becomes delinquent in accordance with applicable State law and City ordinance provisions. In addition, the city shall assess all costs of collection, including attorney's fees and court costs, against the property owner.

(c) Adjustments.

(1) The Fire Chief, or his/her designee, shall administer the procedures and standards for the adjustment of the fire service fee charge.

(A) If a customer believes his/her fire service fee is incorrect, the customer may seek an adjustment of the fire service fee charge allocated to a property at any time by submitting the request in writing to Fire Chief, or his/her designee, and setting forth in detail the grounds upon which relief is sought. The customer's fire services fee account must be paid and current prior to consideration of an adjustment request by the City.

(B) Customers requesting the adjustment shall be required, at their own expense, to provide accurate information to Fire Chief, or his/her designee, including, but not limited to, inspection reports from a certified fire professional or building construction plans certified by a registered architect or a professional engineer. Submittal of this information will be required if the Fire Chief, or his/her designee, cannot make a determination based on field inspection and/or review of existing City information. Failure to

provide the required information within the time limits established by Fire Chief, or his/her designee, as may be reasonably extended, may result in denial of the customer's adjustment request.

(C) Once a completed adjustment request and all required information are received by the Fire Chief, or his/her designee, Fire Chief, or his/her designee, shall within 60 calendar days render a written decision.

(D) In considering an adjustment request, the Fire Chief, or his/her designee, shall consider whether the calculation of the fire service user fee charge for the property is correct.

(E) The decision of the Fire Chief, or his/her designee, shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.

(F) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next fire services user fee bill.

#### Sec. 3-2098. Appeals and Hearings.

(a) An appeal to the City Manager may be taken by any property owner or customer aggrieved by any decision of the Fire Chief, or his/her designee. The appeal shall be taken within 30 calendar days of the decision of the Fire Chief, or his/her designee, by filing with the City Manager a notice of appeal in writing specifying the grounds thereof. Upon the filing of the notice of appeal, the Fire Chief, or his/her designee, shall forthwith transmit to the City Manager all documentation constituting the record upon which the decision appealed from was taken.

(b) The City Manager shall fix a reasonable time for hearing the appeal and give written notice to the appellant at least ten (10) calendar days prior to the hearing date. The notice shall indicate the place, date and time of the hearing. The City Manager shall affirm, reverse, affirm in part, or reverse in part the decision of the Fire Chief, or his/her designee, after hearing the evidence. If the decision of the Fire Chief, or his/her designee, is reversed in whole or in part, resulting in a refund or discount due to the property owner or customer, then such refund or discount shall be calculated retroactive to the date of the initial appeal. The decision of the City Manager shall be final, and there shall be no further administrative appeal. Any person aggrieved or dissatisfied with the decision of the City Manager may petition the Superior Court of Chatham County for Writ of Certiorari.

SECTION 3: Severability. If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

SECTION 4: Repealer. All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, provision or clause of this ordinance are hereby repealed to the extent of the conflict.

SECTION 5: Effective Date. This ordinance shall become January 1, 2018.

ADOPTED AND APPROVED: December 21, 2017

Eddie W. DeLoach  
Eddie W. DeLoach, Mayor



# CLERK OF COUNCIL'S CERTIFICATE

Now comes the undersigned Clerk of Council of the Mayor and Aldermen of the City of Savannah (the "City"), keeper of the records and seal thereof, and certifies that the foregoing is a true and correct copy of a resolution approved and adopted by the City in public meeting properly and lawfully held and assembled on April 12, 2018, the original of which resolution has been entered in the official records of the City 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.

(S E A L)

---

Clerk of Council