

**AMENDMENT TO JOINT RESOLUTION OF COLUMBUS, GEORGIA
AND THE MUSCOGEE COUNTY SCHOOL DISTRICT**

Resolution No. 531-01

On or about May 9, 2000 Columbus, Georgia ("Columbus"), by and through the Council of Columbus, Georgia (the "Council") and the Muscogee County School District (the "School District") each entered into a Joint Resolution ("Resolution") relating, in part, to the acquisition, construction, and equipping of a county library to be operated by the School District and for other purposes. A copy of that Resolution is attached hereto as Exhibit 1 and remains, in effect, as herein amended.

Columbus and the School District entered into the above referenced Resolution and agreed that the Resolution constituted an Intergovernmental Contract as set out in and permitted by Article IX, Section III, Paragraph I of the Constitution of the State of Georgia of 1983. Likewise, Columbus and the School District enter into this Amendment under the same provision of the Constitution.

Mentioned in the above-referenced Resolution was the Project Development Committee (the "Committee"), established by the School District for purposes described in the Resolution, and also for those purposes and activities described in Exhibit A to the Resolution (Exhibit 1 hereto), some of which related to the "Library Project" therein referenced.

The purpose of this Amendment of the Resolution is to convey and entrust to certain aspects of the construction of the Library Project to the Committee under the terms and conditions as set forth in this Amendment. The Committee, by and through its duly authorized officials, whose signature hereinafter appears, is agreeable to and accepts the conveyance and entrustment of certain aspects of the construction of the Library Project under the terms and conditions as set out in the May 9, 2000 Resolution, as amended hereby.

NOW THEREFORE, be it resolved by the Council of Columbus, on behalf of Columbus, Georgia, in an open assembled meeting, and by the School District, in open meeting assembled, and as accepted by the Committee as follows:

1. The Committee will control, oversee, and be responsible for all aspects of the construction and equipping of the Library Project and will make all decisions relating thereto.
2. The Committee is empowered and authorized to select a Project Superintendent (a/k/a Project Manager) for the Library Project.
3. Columbus, the School District, and the Committee agree and reaffirm that the cost of acquisition, construction and equipping of the Library Project, including but not limited to the original contract amounts, and all change orders, contingencies, or other

charges relating thereto, shall be no more than \$50,381,962.00 which, as set out in the May 9, 2000 Resolution, was established by Columbus in Resolution No. 395-99 on August 24, 1999, imposing a special sales and use tax. This amount shall come from and be funded solely by the issuance of Columbus, Georgia General Obligation Sales Tax Bonds of no more than \$40,400,000.00, as was authorized by Columbus in a Master Bond Resolution, Resolution No. 573-99 on December 7, 1999 and the proceeds resulting from the imposition of a special sales and use tax in Columbus, Muscogee County, Georgia. These amounts are as described in the Resolution (Exhibit 1). Thus, Columbus, the School District, and the Committee do each agree not to incur any obligation or enter into any contract or commitment for the acquisition, construction and equipping of the Library Project which will exceed or be in excess of the above-stated amount of \$50,381,962.00 that is the limit for the Library Project, which is contingent upon the issuance by Columbus of no more than \$40,400,000.00 of the above-described Bonds.

4. The Committee will issue periodic reports to Columbus and the School District regarding the construction and equipping of the Library Project.

5. It is also agreed and understood by Columbus, the School District, and the Committee that as the Library Board of Muscogee County, Georgia, established by a Resolution of the School District's Board of Education on June 18, 2001 will be shortly selected by the Board of Education, the Library Board will be substituted for, assume the duties and responsibilities of the Committee and, thus, will be bound by and observe the terms and conditions of the May 9, 2000 Resolution and this Amendment.

6. If the Committee and/or the Library Board is unable to or cannot perform the duties and responsibilities of constructing and equipping the Library Project, then these duties and responsibilities will be reassumed by the School District.

Except as hereinabove amended, the May 9, 2000 Resolution remains in force and effect.

MUSCOGEE COUNTY SCHOOL DISTRICT

By: Mary Sue Polley
Chairperson

Attest: Angela L. Sims
Secretary

Board Member Ditchfield Voting

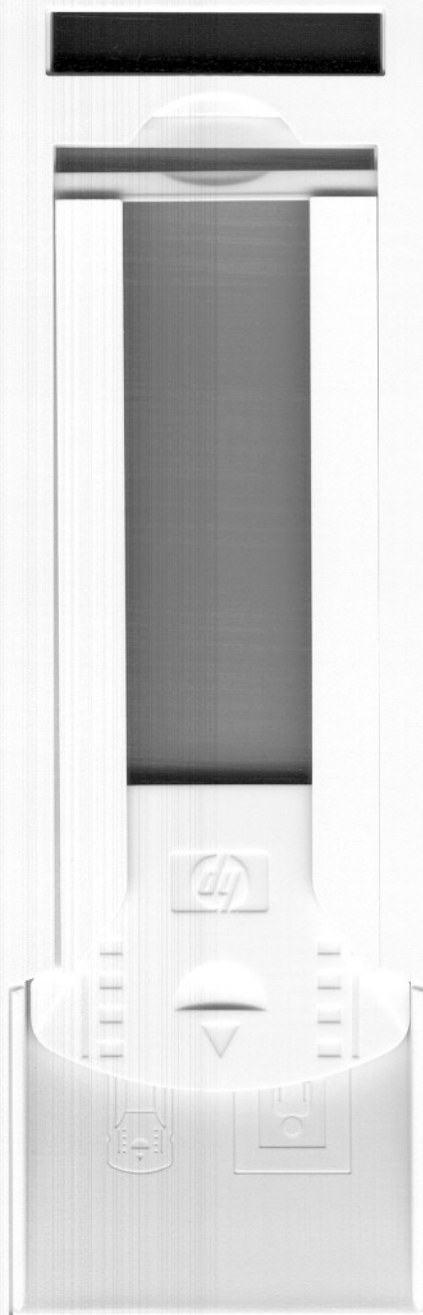
YES

Board Member Ebron Voting

YES

Board Member Parker Voting

YES



PROJECT DEVELOPMENT COMMITTEE

By:

Pet John
Chairman

By: _____

Committee Member

Whaddees

Voting

yes

Committee Member

Carlie Rutland

Voting

yes

Committee Member

David C. H.

Voting

yes

Committee Member

Joseph H. H.

Voting

yes

Committee Member

Donna Weston

Voting

yes

Committee Member

Lynn Lake

Voting

yes

Committee Member

Guy Sims

Voting

yes

Committee Member

Calvin Smyre

Voting

absent

Committee Member

Voting

Committee Member

Voting

RESOLUTION

WHEREAS, the Muscogee County School District ("MCSD") and the Consolidated Government of the City of Columbus ("CGC") have reached an agreement in principle by which the CGC has agreed to build, subject to certain terms and conditions, a new proposed regional library facility ("proposed library"), the site designation for which is subject to approval by the MCSD, through the Board of Education ("Board");

WHEREAS, the MCSD has made a decision for site location and named as the site property located at 3050 Macon Road, currently location of Columbus Square Mall; and

WHEREAS, MCSD is desirous of eliciting community support and guidance as to the design, services to be offered, and amenities of the proposed library;

WHEREAS, MCSD is desirous of initiating a private fund raising effort by which to establish a foundation for the purpose of funding operating costs for the facility so that it would not be necessary to increase property taxes or cut student services; and

WHEREAS, MCSD wishes to facilitate the use of private funds to facilitate the design of the proposed library; and

WHEREAS, MCSD wishes to make the planning and development of the proposed library a community-wide effort and not merely one of MCSD while still retaining and exercising its statutory responsibilities as to governance;

THEREFORE, IT IS RESOLVED that MCSD shall establish a Proposed Library Project Development Committee ("PLPDC) under the terms and conditions set forth below:

1. The superintendent shall, no later than five business days after approval of this Resolution, nominate a proposed chairman of the PLPDC subject to approval by the MCSD Board, and with the assistance and advice of the proposed chairman nominate a citizens committee of no fewer than ten and no more than fifteen members, whose tenure shall be continuous, and shall be subject to approval by the Board of the MCSD, which committee shall include the superintendent (or his successor) and the director of the current library (or her successor), at least two representatives of the Board of the MCSD, and at least one representative of the "Friends of the Library" Group, and which committee shall be submitted to the Board no more than five (business) days after approval of the chair;

2. Upon approval of such nominations by the Board, the existence of PLPDC and the tenure of its members shall be continuous until January 1, 2001, or such later date as the Board may subsequently establish by future resolution, and in the event of a vacancy in the membership of the PLPDC as originally established, that vacancy shall be filled on nomination of the superintendent and the chair of the PLPDC and approval by the Board;

3. PLPDC shall be tasked and charged with the following responsibilities, which shall be subject to modification or expansion at the discretion of the MCSD, through its Board, but subject to the agreement of the PLPDC to accept such modifications or additional charges:

(a) To conduct a comprehensive community survey to determine what the consensus of the community is as to what the library should be, what services it should provide, and what type of facility it should be;

(b) To conduct a fund raising effort by which an endowment shall be raised for the purpose of funding operations of the proposed library at a level consistent (or as nearly consistent as possible) with the desire of the community as determined above;

(c) To conduct a comprehensive feasibility study for implementations of state of the art technology in the proposed library, to include (among other things) “from home” bibliography and data access, public teleconferencing facilities, and Internet access for library patrons;

(d) To conduct a planning study to establish architectural guidelines to assist the design of a proposed library and if feasible, to commence design development for the library;

(e) To bring a report and recommendation to the MCSD Board for approval, rejection, or modification, no later than December 31, 2000 (“report date”);

(f) To bring no recommendation to the MCSD Board that anticipates construction of a library that will require funds for operation beyond what can be reasonably expected (using conservative capitalization assumptions) from those funds raised or committed for endowment use on or prior to report date.

4. The PLPDC shall also as implied duty, act in such a way as to facilitate the forming and funding of a charitable foundation or organizational foundation unit under the Chattahoochee Valley Community Foundation, which shall be the intended objective of funds raised pursuant to the second charge in the preceding paragraph (§3(b)).

5. The PLPDC shall make periodic reports to the Board of the MCSD, at its request or at the request of the Board, but in no event less frequently than every second month beginning with February 2000, at the monthly library committee meeting.

6. The primary concern of the MCSD is to establish a new regional library facility while funding operation of the proposed library without tax increases or cuts or reductions in student services, and the chairman and members of the PLPDC are asked to include in each report that it makes to the Board how its survey, study, and fund raising efforts have proceeded with respect to that goal.

7. The budget for the PLPDC shall come from private contributions made for the purpose of funding the satisfaction of its duties.

SO DONE AND SO RESOLVED this ____ day of _____, 1999.

CHAIRMAN, MCSD BOARD

ATTEST:

SUPERINTENDENT/SECRETARY