

1 **A RESOLUTION BY THE FULTON COUNTY BOARD OF**
2 **COMMISSIONERS REQUIRING THAT ALL FUNDS RETURNED TO**
3 **FULTON COUNTY FROM A TAX ALLOCATION DISTRICT (TAD)**
4 **SHALL BE PLACED IN A MULTIYEAR FACILITIES CAPITAL**
5 **PROJECTS FUND TO BE USED TO SUPPORT FULTON COUNTY’S**
6 **FACILITIES CAPITAL PROGRAMS AND PROJECTS; REQUIRING**
7 **THAT AN AMOUNT EQUAL TO THE FINAL ANNUAL INCREMENTS**
8 **BEING DISTRIBUTED TO A TAD BE PLACED INTO THE MULTIYEAR**
9 **FACILITIES CAPITAL PROJECTS FUND ON AN ANNUAL BASIS AT**
10 **THE END OF FULTON COUNTY’S PARTICIPATION IN THAT TAD;**
11 **AND FOR OTHER PURPOSES.**

12
13 **WHEREAS**, on December 21, 2022, via Fulton County Resolution 22-0995, to
14 address budgetary concerns, the Fulton County Board of Commissioners resolved to
15 repeal and conclude Fulton County’s participation in certain Tax Allocation Districts
16 (“TADs”); and

17 **WHEREAS**, pursuant to the Redevelopment Powers Law (O.C.G.A. § 36-44-1,
18 *et seq.*), upon conclusion of the tax allocation district and repayment of all redevelopment
19 costs and tax allocation bonds, remaining funds shall be paid to Fulton County in
20 proportion to Fulton County’s contribution; and

21 **WHEREAS**, Fulton County is incurring increased costs for a multitude of County
22 capital projects including jail services stemming from an increase in jail population due
23 to increased crime rates; and

24 **WHEREAS**, Fulton County anticipates the need to budget for capital
25 investments, including, without limitation, the construction of a new jail; and

26 **WHEREAS**, in light of the foregoing needs of Fulton County, the Board of
27 Commissioners finds that it is in the best interest of the citizens of Fulton County to
28 require that all funds that will be returned to Fulton County from a TAD shall be placed

1 in a multiyear facilities capital projects fund to support Fulton County’s capital programs
2 and projects; and

3 **WHEREAS**, to further provide for and enhance the viability of Fulton County’s
4 capital programs and projects, the Board of Commissioners finds it necessary to require
5 that whenever Fulton County’s participation in a TAD ends, Fulton County shall continue
6 to transfer to the multiyear facilities capital projects fund on an annually basis, an amount
7 equal to the tax increment that was distributed to the TAD in the last year of Fulton
8 County’s participation in that TAD; and

9 **WHEREAS**, the Fulton County Manager shall coordinate with the Fulton County
10 Finance Director to create and manage the multiyear facilities capital projects fund
11 required upon passage of this Resolution and to ensure that the TADs funds returned to
12 Fulton County and the annual increments calculated at the end of Fulton County’s
13 participation in TADs, shall be included in this fund for use as directed by this
14 Resolution; and

15 **WHEREAS**, pursuant to FCC § 1-117, the Board of Commissioners has
16 exclusive jurisdiction and authority to exercise such other powers as are granted by law,
17 or are indispensable to their jurisdiction over County matters and County finances.

18 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners
19 hereby directs that all funds returned to Fulton County from a Tax Allocation District
20 (TAD) shall be placed in a Multiyear Facilities Capital Projects Fund to be used to
21 support Fulton County’s facilities capital programs and projects.

22 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby
23 authorizes and directs that whenever Fulton County’s participation in a TAD ends, Fulton

1 County shall continue to transfer to the Multiyear Facilities Capital Projects Fund on an
2 annually basis, an amount equal to the tax increment that was distributed to the TAD in
3 the last year of Fulton County’s participation in that TAD.

4 **BE IT FURTHER RESOLVED**, that the County Manager is hereby authorized
5 to coordinate and direct all actions of Fulton County staff, including the Finance
6 Department, concerning the creation and maintenance of the fund authorized by this
7 Resolution, including disbursement of funds from the Multiyear Facilities Capital
8 Projects Fund to support Fulton County’s facilities capital programs and projects.

9 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon
10 adoption and that all Resolutions and parts of Resolutions in conflict with this Resolution
11 are hereby repealed to the extent of the conflict.

12 **SO PASSED AND ADOPTED**, by the Board of Commissioners of Fulton
13 County, Georgia, this 18th day of January, 2023.

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**FULTON COUNTY BOARD OF
COMMISSIONERS**

SPONSORED BY:

Bob Ellis, Vice-Chair
(District 2)

ATTEST:

Tonya R. Grier
Clerk to the Commission

1 APPROVED AS TO FORM:

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Y. Soo Jo, County Attorney