

1 **A RESOLUTION APPROVING THE FULTON COUNTY TAX ALLOCATION DISTRICT**
2 **("TAD") REVIEW PROCESS FOR PARTICIPATION; AND FOR OTHER PURPOSES.**

3 **WHEREAS**, Tax Allocation Districts ("TAD") are strategic tools under the Georgia
4 Redevelopment Powers Law, O.C.G.A. § 36- 44-1 *et seq.*, that enable Fulton County to
5 commit long-term funding, in a defined geographical area, toward redevelopment projects
6 with the approval of the Fulton County Board of Commissioners ("BOC"); and

7 **WHEREAS**, a TAD uses the increased property taxes generated by new
8 development in a designated redevelopment area to finance costs related to development
9 including, but not limited to, public infrastructure, demolition, utilities, and planning costs;
10 and

11 **WHEREAS**, historically, Fulton County has evaluated requests from other parties
12 for participation in proposed TADs on a case-by-case basis, with no formal review
13 process in place; and

14 **WHEREAS**, Fulton County currently participates in 15 TADs, a majority of which
15 are located inside the City of Atlanta; and

16 **WHEREAS**, since 1999, \$346,876,612 of Fulton County's operating funds have
17 gone to projects inside the TADs, with Fulton County funds providing, on average, 49%
18 of the total share of funds contributed to the TADs; and

19 **WHEREAS**, key partners such as the Fulton County Schools have recently
20 established a TAD review process for its participation in proposed TADs; and

21 **WHEREAS**, Fulton County's Select Fulton Department, which serves as Fulton
22 County's economic development arm, believes that a formal review process for Fulton
23 County's participation in proposed TADs would benefit Fulton County and its citizens; and

24 **WHEREAS**, Select Fulton has developed a TAD Review Process for Participation
25 (the "Process"), a three-tiered approach to be used to provide clear information to the
26 BOC on newly proposed TADs requesting Fulton County funding, which is attached
27 hereto as Exhibit "A"; and

1 **WHEREAS**, the three (3) tiers that will be reviewed under this proposed Process
2 are (i) basic State statutory requirements of all TADs, (ii) Fulton County requests of all
3 TADs, and (iii) TAD specific requests depending on location; and

4 **WHEREAS**, the Process is intended to inform the municipalities within Fulton
5 County of which elements of their proposed TADs the County will review and consider;
6 and

7 **WHEREAS**, pursuant to the Process, Select Fulton will work with an internal TAD
8 Review Committee made up of representatives from the Department of Community
9 Development, Department of Public Works, the Tax Assessor, Tax Commissioner,
10 Department of Finance, and the Office of the County Attorney; and

11 **WHEREAS**, this TAD Review Committee will provide the BOC a clear summary
12 report of the responses from the municipality on a proposed TAD within 90 days of
13 receiving completed responses; and

14 **WHEREAS**, the key items the TAD review Committee will look for in a proposed
15 TAD are: (a) feasibility (b) proposed use of funds, (c) BOC representation on the TAD
16 Authority, (d) BOC project level approval, (e) school system participation, and (f) the
17 benefits to the public; and

18 **WHEREAS**, Select Fulton is proposing and seeking the BOC's approval and
19 adoption on the attached Process so as to provide the BOC with clear information on the
20 goals, accountability and use of funds in a proposed TAD seeking the inclusion of Fulton
21 County's ad valorem taxes; and

22 **WHEREAS**, the Fulton County Board of Commissioners believes that a process
23 which will inform the municipalities within Fulton County of which elements of their
24 proposed TAD the County will review and consider and will provide clear information to it
25 on newly proposed TADS requesting Fulton County funding with benefit Fulton County
26 and its citizens.

NOW, THEREFORE, BE IT RESOLVED , that the Fulton County Board of Commissioners does hereby approve the TAD Review Process for Participation, which is attached hereto as Exhibit "A"; and

BE IT FINALLY RESOLVED, that this Resolution shall become effective upon its adoption, and that all resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia, this 16th day of March, 2022.

FULTON COUNTY BOARD OF COMMISSIONERS



Robert L. Pitts
Chairman

ATTEST:



Tonya R. Grier
Clerk to the Commission



APPROVED AS TO FORM:



Y. Soo Jo
County Attorney

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Fulton County Government Tax Allocation District Review Process for Participation

INTRODUCTION

Fulton County seeks to partner with its municipalities to stimulate economic opportunities for its residents in the form of new commercial developments, infrastructure improvements and community benefits. Tax Allocation Districts (TAD) are strategic tools under the Georgia Redevelopment Powers Law (O.C.G.A. § 36-44-1 et. seq.) that enable the County to commit long-term funding, in a defined area, to redevelopment projects by action of the Fulton County Board of Commissioners (BOC). The law also expressly states that “it is the intention of the General Assembly that this chapter be liberally construed,” and, therefore, the statutory requirements are broad.

Fulton County has developed the following tiered review process to provide the BOC clear information on the goals and use of funds in a proposed TAD seeking the inclusion of County ad valorem taxes. Importantly, this process helps to inform our municipal partners which elements of their proposed TAD the County will review and consider.

SUBMISSION

Instructions: All requests for consent to include the County’s ad valorem tax in a proposed TAD must review and provide complete responses to as many items requested below. Completed responses should be submitted electronically to the contact below at Select Fulton, the County’s Department of Economic Development. Questions/comments should be submitted to the same contact below.

Samir Abdullahi
Deputy Director, Select Fulton
Department of Economic Development
141 Pryor Street SW, Suite 2052 | Atlanta, GA 30303
Phone: 404—612-8120; Cell 404-808-7995
Email: Samir.Abdullahi@fultoncountyga.gov

REVIEW PROCESS

Select Fulton staff will work with relevant internal departments and the County Manager to prepare a summary informational report to the BOC based on the proposed TAD responses. Staff will reach out to the municipality of the proposed TAD for any clarifications or additional information needed. The proposed TAD will be presented to



the BOC within 90 days after a completed response is submitted. The final decision for Fulton's TAD participation will rest with the BOC.

PROPOSED TAD REVIEW: TIERED APPROACH

The following tiered approach is used to provide clear information on the proposed TAD. Please provide a complete response to as many of the items below:

TIER I: STATUTORY REVIEW: *Tier I reflects the basic statutory requirements set forth in the Georgia Redevelopment Powers Law.*

1. **Feasibility:** The proposed TAD must demonstrate that "but for" the County's participation in TAD financing, the project would not be feasible and could not be completed without the proposed TAD assistance. In determining whether this "but for" test is met, the proposed TAD should:
 - a. Describe redevelopment cost estimates and proposed financing methods for the redevelopment,
 - b. Specify the estimated tax allocation increment base of the TAD,
 - c. specify the amount, term, and rate of interest of proposed tax allocation bonds to be issued,
 - d. estimate positive tax allocation increments for the period of the bonds,
 - e. specify the property pledges for payment or security of payment for TAD bonds, and
 - f. provide pro-forma and expense schedules which include annual pro- forma projected for a minimum ten-year period containing detailed assumptions including vacancies and debt service.
2. **Economic Growth:** Explain why the redevelopment areas has not been and is not reasonably expected to be subject to growth and development by private enterprise. Additionally, the proposed TAD should detail the anticipated impact on the local economy as a result of implementing the TAD.
3. **Boundaries:** Specify and include a map of the boundaries of the proposed TAD redevelopment area along with the effective date for creation and termination of the TAD.

TIER II: GENERAL COUNTY REQUESTS : *Tier II specifies Fulton County's minimum requests for TAD participation.*

1. **County Governance in TAD:** The TAD proposal should include a meaningful number of BOC delegates to actively participate in the decision-making process. Either in the form of representation on the redevelopment agency seeking the County's participation in the TAD. Or BOC approval of development projects seeking TAD funds. Specify what type of representation the County will have in the decision-making process if any.



2. **Term and Use of County Tax Increment:** The term of the County's inclusion of tax increments for the TAD should not exceed 25 years and shall only be used for debt service. Does the proposed TAD have longer term than 25 years?
3. **Annual Reporting:** The municipality/redevelopment agency should provide an annual report with financial statements that discusses the progress of the TAD including the implementation of the redevelopment plan, updates on supported projects, use of the tax increment, any excess increment, and whether any bond issues are outstanding. Such annual report shall also contain the findings of an independent auditor. Describe the reporting process on the proposed TAD to Fulton County.
4. **Halo-Effect Areas:** The proposed areas of redevelopment should be limited to such areas that require redevelopment and not encompass any halo-effect areas. Does the proposed TAD include areas not directly in need or receiving redevelopment?
5. **School District Consent:** Has the relevant School District consented to or is anticipated to consent to the inclusion of ad valorem taxes?

TIER III: TAD SPECIFIC RECOMMENDATIONS: *Tier III focuses on the specific TAD proposal. As all TADs have different needs and goals, a rigid criteria may overlook issues unique to a specific TAD. The following topics below, although not required by state law, are strongly recommended to be included in TAD proposals seeking Fulton participation:*

1. **Public Benefits:** The proposed TAD should provide substantial community benefits to the area being redeveloped. Describe the community benefits that would be funded by the proposed TAD such as, but not limited to:
 - i. Affordable Housing
 - ii. Transit
 - iii. Arts and Cultural Use
 - iv. Walkability
 - v. Environmental Remediation
 - vi. Broadband Access
2. **PILOT Payments:** Does the TAD propose to provide PILOT payments to the County?