

1 **A RESOLUTION TO REDUCE THE NUMBER OF FULTON COUNTY COMMISSION BOARD**
2 **APPOINTEES TO THE NORTH FULTON COMMUNITY IMPROVEMENT DISTRICT BOARD**
3 **IN ORDER TO BE IN COMPLIANCE WITH STATE AND LOCAL LAW; AND FOR OTHER**
4 **PURPOSES.**
5

6 **WHEREAS**, the North Fulton Community Improvement District (the “District”) was
7 enabled by an Act of the Georgia General Assembly (1987 Ga. A. 5460, as amended, (the
8 “Act”)); and

9 **WHEREAS**, pursuant to the Act, the Fulton County Board of Commissioners (the
10 “Board of Commissioners”) activated the District on August 20, 2003, through Resolution
11 Number 03-1056 (the “Establishing Resolution”), to provide certain governmental services and
12 facilities within the District; and

13 **WHEREAS**, pursuant to the Act and the Establishing Resolution, the District is
14 administered by a board (the “CID Board”) composed of a minimum of seven (7) members,
15 including a member or members appointed by the Board of Commissioners; and

16 **WHEREAS**, the Act and Establishing Resolution provide that a member of the CID
17 Board who is appointed by the Board of Commissioners serves at the pleasure of said
18 governing body; and

19 **WHEREAS**, Chapter 54, Article II, Section 54-40 of the Fulton County Code (the
20 “Code”), authorizes the Board of Commissioners to appoint two (2) members if more than 50
21 percent of the land area in the District is located within unincorporated Fulton County; and

22 **WHEREAS**, the Code further provides that, if less than 50 percent of the land area of
23 the District is located within unincorporated Fulton County, only one (1) board member shall be
24 appointed by the Fulton County Board of Commissioners; and

25 **WHEREAS**, with the incorporation of the cities of Roswell, Alpharetta and Milton, no
26 portion of the geographic area of the District is located within unincorporated Fulton County;

1 and

2 **WHEREAS**, the reduction of unincorporated area in the District triggers a reduction of
3 the members of the CID Board appointed by the Board of Commissioners from two (2) to one
4 (1); and

5 **WHEREAS**, Georgia courts have held that the power to appoint an individual to a
6 position who serves at the pleasure of the appointing authority also includes the absolute
7 power of the appointing authority to remove the individual from that position at any time,
8 without notice and without cause; and

9 **WHEREAS**, in Agenda Item No. 17-0824 at its October 4, 2017 Regular Meeting, the
10 Board of Commissioners appointed Mr. Al Nash to serve as one of its representatives on the
11 CID Board; and

12 **WHEREAS**, in Agenda Item No. 20-0081 at its January 22, 2020 Recess Meeting, the
13 Board of Commissioners appointed Mr. Robert D. Cheeley to serve as one of its
14 representatives on the CID Board; and

15 **WHEREAS**, Mr. Nash is the Board of Commissioners' longest serving appointee to the
16 CID Board and serves as the current Treasurer; and

17 **WHEREAS**, Mr. Cheeley has recently been charged with state crimes including
18 violating Georgia's anti-racketeering law, perjury, and soliciting a public officer to violate their
19 oath; and

20 **WHEREAS**, the actions Mr. Cheeley took that led to these charges were a direct
21 attempt to undermine Fulton County's Elections; and

22 **WHEREAS**, the Board of Commissioners finds that it is in the best interest of the CID
23 Board, Fulton County, and the general public that Mr. Al Nash continue to serve as it's

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Tonya R. Grier
Clerk to the Commission

APPROVED AS TO FORM:

Y. Soo Jo
Fulton County Attorney