

1 **A RESOLUTION AMENDING ARTICLE 2, DIVISION 2, SUBPART B OF THE FULTON**  
2 **COUNTY CODE OF RESOLUTIONS, TO AMEND SUBSECTION 118- 50 REGARDING**  
3 **MEMBERSHIP AND QUALIFICATIONS OF THE BOARD OF DIRECTORS OF THE**  
4 **DEVELOPMENT AUTHORITY OF FULTON COUNTY; AND FOR OTHER PURPOSES.**

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6 **WHEREAS**, the Fulton County Board of Commissioners has authority, pursuant to  
7 the Constitution of the State of Georgia, Article 9, Sec. 2 ¶ 1(a), to adopt reasonable  
8 ordinances, resolutions, or regulations relating to its affairs for which no provision has  
9 been made by general law and which is not inconsistent with this Constitution or any local  
10 law applicable thereto; and

11 **WHEREAS**, pursuant to the authority granted by the Development Authorities Law  
12 (O.C.G.A. § 36-62-1 et seq.), the Board of Commissioners, on May 16, 1973, adopted a  
13 Resolution declaring the need for a Development Authority in Fulton County ("Activating  
14 Resolution") and did thereby establish the Development Authority of Fulton County for  
15 the purpose of developing and promoting welfare, trade, commerce, industry and  
16 employment opportunities in Fulton County, among other purposes; and

17 **WHEREAS**, the May 16, 1973 Activating Resolution set forth that the Development  
18 Authority of Fulton County's Board of Directors shall consist of seven (7) members, "each  
19 of whom shall be taxpayers of Fulton County and none of whom is an officer or employee  
20 of said County;" and

21 **WHEREAS**, on April 15, 1992 the General Assembly amended O.C.G.A. § 36- 62-  
22 4(a), to change the maximum number of members that shall serve on the Development  
23 Authority of Fulton County's Board of Directors to not less than seven (7) and not more  
24 than (9); and

25           **WHEREAS**, the activation of Development Authority of Fulton County has been  
26   codified in the Fulton County Code of Laws, as Fulton County Code Sections 118-46  
27   through 118-49; and

28           **WHEREAS**, Fulton County Code Sections 118-46 through 118-49 did not include  
29   a code section pertaining to the composition of the members of Board of Directors as  
30   set forth in the Development Authorities Law or the 1973 activating Resolution; and

31           **WHEREAS**, on April 17, 2019, the Board of Commissioners found it necessary to  
32   amend the Activating Resolution, as codified in Fulton County Code Sections 118-46  
33   through 118- 33-49, to add a new Fulton Code Section regarding membership and  
34   composition of the Board of Directors of the Development Authority of Fulton County, to  
35   provide that the Development Authority of Fulton County Board of Directors shall: (a)  
36   consist of not less than seven and not more than nine directors and specify how the board  
37   of commissioners selects the directors: (b) shall be taxpayers residing in Fulton County,  
38   as required by O.C.G.A. § § 36-62-4 and 36-62-5; (c) shall not be officers or employees  
39   of Fulton County, the Fulton County Board of Education or the Atlanta Board of Education;  
40   and (d) designate that two members shall be "at-large" members, with one member  
41   representing the Fulton County Board of Education and the other "at-large" member  
42   representing the Atlanta Board of Education (the "Amendment").

43           **WHEREAS**, the Fulton County Board of Commissioners desire to allow the Fulton  
44   County Board of Education and the Atlanta Board of Education to select their own  
45   members; and

46           **WHEREAS**, the these members will be subject to approval by the full Fulton  
47   County Board of Commissioners; and

**NOW, THEREFORE, BE IT RESOLVED,** by the Fulton County Board of Commissioners that the Amendment to the Activating Resolution for the Development Authority of Fulton County, as codified in Article 2, Division 2, Subpart B of the Fulton County Code of Resolutions, Fulton County Code Sections 118-46 through 118-49, entitled "Development Authority of Fulton County," is hereby amended by revising subsection 118-50, entitled "Board of Directors, Membership and Qualifications," to provide as follows: (a) The Board of Directors shall consist of a board of not less than seven and not more than nine directors to be appointed by resolution of the Fulton County Board of Commissioners. Each commissioner shall have one appointment which shall be submitted to the full Board of Commissioners for approval. Two additional members shall be a "at-large" members, with one member selected and nominated by the Fulton County Board of Education for final approval by the full Board of Commissioners, and the other representing member selected and nominated by the Atlanta Board of Education for final approval by the full Board of Commissioners; (b) The members of the Board of Directors shall be taxpayers residing in Fulton County; (c) The members of the Board of Directors shall not be officers or employees of Fulton County, as reflected in Exhibit "A," attached hereto and incorporated herein by this reference.

**FULTON COUNTY BOARD OF COMMISSIONERS**

Sponsored by:

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Marvin S. Arrington, Jr.,  
Commissioner, District 5

77 ATTEST:

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81 \_\_\_\_\_  
82 Tonya R. Grier, Clerk to the Commission  
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86 APPROVED AS TO FORM:  
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91 Kaye Woodard Burwell, Interim County Attorney  
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94 Authority.docx

## **EXHIBIT A**

### Sec. 118-50 - Board of Directors, Membership and Qualification

- (a) The Board of Directors shall consist of a board of not less than seven and not more than nine directors to be appointed by resolution of the Fulton County Board of Commissioners. Each commissioner shall have one appointment which shall be submitted to the full Board of Commissioners for approval. Two additional members shall be a "at-large" members, with one member ~~representing~~ selected and nominated by the Fulton County Board of Education for final approval by the full Board of Commissioners, and the other ~~representing member~~ selected and nominated by the Atlanta Board of Education for final approval by the full Board of Commissioners.
- (b) The members of the Board of Directors shall be taxpayers residing in Fulton County.
- (c) The members of the Board of Directors shall not be officers or employees of Fulton County, ~~the Fulton County Board of Education or the Atlanta Board of Education.~~