

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

6

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

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

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

22       **WHEREAS**, on April 15, 1992 the General Assembly amended O.C.G.A. § 36-  
23      62-4(a), to change the maximum number of members that shall serve on the board  
24      of a development authority to not less than seven (7) and not more 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

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

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

16        **WHEREAS**, it has come to the attention of the Fulton County Board of Commissioners that  
17        the Atlanta Board of Education has adopted legislative priorities for the 2021 legislative session,  
18        which constitute a direct threat to the Development Authority of Fulton County; and

19        **WHEREAS**, the City of Atlanta and the Atlanta Board of Education have passed  
20      resolutions requesting that the Development Authority of Fulton County cease facilitating  
21      sale-leaseback tax incentive transactions in the City of Atlanta; and

22        **WHEREAS**, the Fulton County Board of Commissioners now feel that the accommodations  
23      provided to the Atlanta Board of Education in the Amendment constitute a conflict of interest for  
24      Fulton County; and

1       **NOW, THEREFORE, BE IT RESOLVED**, by the Fulton County Board of

2       Commissioners that the Amendment to the Activating Resolution for the Development  
3       Authority of Fulton County, as codified in Article 2, Division 2, Subpart B of the Fulton County  
4       Code of Resolutions, Fulton County Code Sections 118-46 through 118-49,  
5       entitled "Development Authority of Fulton County," is hereby amended by  
6       revising subsection 118-50, entitled "Board of Directors, Membership and Qualifications," to  
7       provide that the Development Authority of Fulton County Board of Directors shall: (a)  
8       consist of not less than seven and not more than nine directors; (b) be taxpayers  
9       residing in Fulton County, as required by O.C.G.A. §§ 36-62-4 and 36-62-5; (c) shall  
10      not be officers or employees of Fulton County, the Fulton County Board of Education or  
11      the Atlanta Board of Education; and (d) designate that two members shall be "at-  
12      large" members, with one member representing the Fulton County Board of  
13      Education, as approved by the Fulton County Board of Commissioners and the other  
14      member selected by the Fulton County Board of Commissioners, as reflected in  
15      Exhibit "A," attached hereto and incorporated herein by this reference.

[Remainder of Page Intentionally Left Blank]

1       **BE IT FINALLY RESOLVED**, that this Resolution shall become effective upon  
2       the expiration date of the at-large members and that all resolutions and parts of  
3       resolutions in conflict with this Resolution are hereby repealed to the extent of the  
4       conflict.

5 SO PASSED AND ADOPTED, this 10 day of January 2021.  
6

## FULTON COUNTY BOARD OF COMMISSIONERS

Sponsored By:

Marvin S. Arrington, Jr., Vice Chairman

**ATTEST:**

Tonya Grier, Clerk to the Commission

23 APPROVED AS TO FORM:

*Catriona Parkes*

27 Patrise Perkins-Hooker  
28 County Attorney