

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.

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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

21-0031

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.

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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 20th day of January 2021.
6

7 **FULTON COUNTY BOARD OF**
8 **COMMISSIONERS**

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11 Sponsored By:

12 *Marvin S. Arrington, Jr.*

13 Marvin S. Arrington, Jr., Vice Chairman

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17 **ATTEST:**

18 *Tonya Grier*

19 Tonya Grier, Clerk to the Commission



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23 **APPROVED AS TO FORM:**

24 *Patrise Perkins-Hooker*

25 Patrise Perkins-Hooker
26 County Attorney