

House Bill 1459 (AS PASSED HOUSE AND SENATE)

By: Representatives Heckstall of the 62nd, Holmes of the 61st, and Fludd of the 66th

A BILL TO BE ENTITLED
AN ACT

1 To change the qualifications of membership to and the manner in which members shall be
2 selected for the College Park Business and Industrial Development Authority, created by that
3 certain 1980 constitutional amendment of the Constitution of 1976, Resolution Act No. 168
4 (Ga. L. 1980, p. 2071), duly ratified at the 1980 general election and specifically continued
5 in force and effect by an ordinance enacted August 20, 1984 (Ga. L. 1985, p. 5311) and an
6 Act approved February 27, 1987 (Ga. L. 1987, p. 3713); to provide for related matters; to
7 provide for an effective date; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 (a) Membership: The College Park Business and Industrial Development Authority,
11 created by that certain 1980 constitutional amendment of the Constitution of 1976,
12 Resolution Act No. 168 (Ga. L. 1980, p. 2071), duly ratified at the 1980 general election
13 and specifically continued in force and effect by an ordinance enacted August 20, 1984
14 (Ga. L. 1985, p. 5311) and an Act approved February 27, 1987 (Ga. L. 1987, p. 3713),
15 notwithstanding any contrary provisions of subsection (b) of Section 3 of said
16 constitutional amendment, shall henceforth consist of seven members as specified in this
17 subsection. This Act is passed pursuant to the authorization of the provisions of subsection
18 (b) of Section 3 which provide that if the qualifications of the membership or the manner
19 in which members of the authority shall be selected shall ever be the subject of change, the
20 same may be accomplished by an Act of the General Assembly. Pursuant to such
21 authorization, the seven members shall be as follows:

- 22 (1) The mayor of the City of College Park or his or her designated member from the city
23 council of the City of College Park;
- 24 (2) The mayor pro tempore of the City of College Park or his or her designated member
25 from the city council of the City of College Park;

1 (3) A person residing in the City of College Park, to be selected by the mayor and city
2 council;

3 (4) A person residing in Ward 1 of the City of College Park, to be nominated by the
4 Ward 1 councilmember and approved by the city council;

5 (5) A person residing in Ward 2 of the City of College Park, to be nominated by the
6 Ward 2 councilmember and approved by the city council;

7 (6) A person residing in Ward 3 of the City of College Park, to be nominated by the
8 Ward 3 councilmember and approved by the city council; and

9 (7) A person residing in Ward 4 of the City of College Park, to be nominated by the
10 Ward 4 councilmember and approved by the city council.

11 (b) Qualifications: All persons who have resided for at least six months within the limits
12 of the City of College Park and the ward they are nominated to represent shall be eligible
13 for appointment to membership of the authority.

14 (c) Terms:

15 (1) Notwithstanding any contrary provisions of subsection (b) of Section 3 of said
16 constitutional amendment, the members of the authority shall henceforth serve terms that
17 are concurrent with the term of office of the nominating city official. Should the
18 nominating city official leave office through death, resignation, or otherwise, the term of
19 the member of the authority nominated by said official shall terminate upon the
20 nominating city official leaving office;

21 (2) Any member of the authority may be selected and appointed to succeed himself or
22 herself, so long as he or she remains qualified for the position; and

23 (3) In the event of a vacancy on the authority through death, resignation, or otherwise,
24 the same shall be filled by the nomination of a qualified resident by the city official
25 charged with nominating the vacating member, said nomination to be approved by the
26 city council.

27 SECTION 2.

28 (a) Nothing in this Act shall be construed as affecting or altering the term of office of any
29 duly appointed member serving on the authority as of the effective date of this Act:

30 (1) As of the effective date of this Act, the term of April Wyatt is scheduled to end on
31 December 31, 2008; and in accordance with paragraph (5) of subsection (a) of Section
32 1 of this Act, any vacancy occurring through death, resignation, the end of this authority
33 term, or otherwise shall be filled by a qualified resident of Ward 2 nominated by the
34 Ward 2 councilmember and approved by the city council;

35 (2) As of the effective date of this Act, the term of Jeff Green is scheduled to end on
36 December 31, 2008; and in accordance with paragraph (6) of subsection (a) of Section
37 1 of this Act, the vacancy occurring through death, resignation, the end of this authority

1 term, or otherwise shall be filled by a qualified resident of Ward 3 nominated by the
2 Ward 3 councilmember and approved by the city council.

3 (3) As of the effective date of this Act, the term of authority member Jane Randolph is
4 scheduled to end on December 31, 2009; and in accordance with paragraph (4) of
5 subsection (a) of Section 1 of this Act, the vacancy occurring through death, resignation,
6 the end of this authority term, or otherwise shall be filled by a qualified resident of Ward
7 1 nominated by the Ward 1 councilmember and approved by the city council;

8 (4) As of the effective date of this Act, the term of Walt Bellamy is scheduled to end on
9 December 31, 2010; and in accordance with paragraph (7) of subsection (a) of Section
10 1 of this Act, the vacancy occurring through death, resignation, the end of this authority
11 term, or otherwise shall be filled by a qualified resident of Ward 4 nominated by the
12 Ward 4 councilmember and approved by the city council;

13 (5) As of the effective date of this Act, the term of authority member Subernia Willis is
14 scheduled to end on December 31, 2010; and in accordance with paragraph (3) of
15 subsection (a) of Section 1 of this Act, the vacancy occurring through death, resignation,
16 the end of this authority term, or otherwise shall be filled by a qualified resident of the
17 City of College Park selected by the mayor and city council; and

18 (6) As of the effective date of this Act, the term of authority member Ambrose Clay is
19 scheduled to end on December 31, 2008; and in accordance with paragraph (2) of
20 subsection (a) of Section 1 of this Act, the vacancy occurring through death, resignation,
21 the end of this authority term, or otherwise shall be filled by the mayor pro tempore of
22 the City of College Park, ex officio, or his designated member from the city council of
23 the City of College Park.

24 **SECTION 3.**

25 This Act shall only affect and change henceforth the qualifications for and the selection of
26 College Park Business and Industrial Development Authority membership. It shall in no way
27 alter or amend the powers or duties of the authority or other provisions provided for in the
28 constitutional amendment which created the authority.

29 **SECTION 4.**

30 This Act shall become effective upon its approval by the Governor or upon its becoming law
31 without such approval.

32 **SECTION 5.**

33 All laws and parts of laws in conflict with this Act are repealed.