

Senate Bill 228

By: Senators Beach of the 21st, McKoon of the 29th, Murphy of the 27th and Mullis of the 53rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 36-62-4 of the Official Code of Georgia Annotated, relating to  
2 creation of development authorities, appointment and terms of directors, quorum, and  
3 adoption and filing of resolution of need, so as to define the area of operation of a  
4 development authority; to provide for related matters; to provide for an effective date and  
5 applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 36-62-4 of the Official Code of Georgia Annotated, relating to creation of  
9 development authorities, appointment and terms of directors, quorum, and adoption and  
10 filing of resolution of need, is amended by revising subsection (a) as follows:

11 "(a) There is created in and for each county and municipal corporation in ~~the~~ this state a  
12 public body corporate and politic to be known as the 'development authority' of such  
13 county or municipal corporation, which shall operate within its respective area of  
14 operation. The area of operation, in the case of a development authority of a municipal  
15 corporation, is the territorial limits of such municipal corporation. The area of operation,  
16 in the case of a development authority of a county, is the territorial boundaries of such  
17 county; provided, however, that a development authority of a county shall not undertake  
18 any project within the territorial boundaries of a municipality which has established a tax  
19 allocation district as authorized under Chapter 44 of this title for which bonds are then  
20 outstanding and has activated a development authority which is serving as the  
21 redevelopment agency for such tax allocation district, unless a resolution is adopted by the  
22 board of directors of such municipal development authority declaring that there is a need  
23 for the county development authority to exercise its powers within the territorial boundaries  
24 of the municipal corporation. The development authority shall be governed by a board of  
25 directors, which shall consist of a board of not less than seven and not more than nine  
26 directors to be appointed by resolution of the governing body of the county or municipal

27 corporation. At the expiration of the current terms of office of the first four members of  
28 the board of directors, the governing body of the county or municipal corporation shall  
29 elect successors to such members to serve for initial terms of two years and shall elect  
30 successors to the remaining members of the board for initial terms of four years.  
31 Thereafter, the terms of all directors shall be for four years. The terms of any directors  
32 added to the original seven directors shall be four years. If, at the end of any term of office  
33 of any director, a successor thereto has not been elected, the director whose term of office  
34 has expired shall continue to hold office until his or her successor is so elected."

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## SECTION 2.

37 This Act shall become effective upon its approval by the Governor or upon its becoming law  
38 without such approval and shall apply to all projects undertaken by a development authority  
39 on and after such date.

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## SECTION 3.

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