

The House Committee on Governmental Affairs offers the following substitute to HB 34:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 36-62-5 of the Official Code of Georgia Annotated, relating to
2 development authorities directors, officers, compensation, adoption of bylaws, delegation of
3 powers and duties, conflicts of interest, and audits, so as to provide for taxpaying business
4 owners to be appointed to development authorities; to provide for removal of directors from
5 development authorities; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 36-62-5 of the Official Code of Georgia Annotated, relating to development
10 authorities directors, officers, compensation, adoption of bylaws, delegation of powers and
11 duties, conflicts of interest, and audits, is amended by revising subsection (a) as follows:

12 "(a)(1) The directors shall be taxpayers residing in residents or licensed business owners
13 paying ad valorem taxes on real or personal property within the county or municipal
14 corporation for which the authority is created. ~~Their, and their~~ successors shall be
15 appointed as provided by the resolution provided for in as set forth in subsection (a) of
16 Code Section 36-62-4. The governing authority of a county or municipality may appoint
17 no more than one member of the governing authority as a director.

18 (2)(A) Any director may be removed for cause by the governing authority of the
19 county or municipality for which the authority is created, which shall include, but shall
20 not be limited to, neglect of duties or failure to meet the residency requirements set
21 forth in paragraph (1) of this subsection, or unethical or dishonorable conduct likely to
22 deceive or defraud the public, county, or municipality.

23 (B) The director shall be notified by the applicable governing authority of the reasons
24 for his or her removal 30 days prior to a hearing on the matter. Such notice shall be
25 sent by certified mail with return receipt requested or delivered via statutory overnight
26 delivery. Such notice shall inform the director that he or she may be heard before the

27 governing authority at such time as may be stated in the notice. Such hearing shall
28 occur not less than 30 days from the date of the notice. The director may be
29 represented by counsel at such hearing.

30 (C) Upon such hearing, if the governing authority finds by a preponderance of the
31 evidence that good cause for the removal of the director exists, the governing authority
32 shall be authorized and empowered to remove such director.

33 (D) Any vacancy resulting from removal under this paragraph shall be filled by
34 resolution as set forth in subsection (a) of Code Section 36-62-4."

35 **SECTION 2.**

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