

STATE OF GEORGIA
CITY OF JONESBORO
COUNTY OF CLAYTON

RESOLUTION NO. 2026 - _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, GEORGIA, AFFIRMING THE CONTINUED EXISTENCE AND AUTHORITY OF THE URBAN REDEVELOPMENT AGENCY OF THE CITY OF JONESBORO, GEORGIA; REAFFIRMING THE CITY'S PRIOR ELECTION TO HAVE THE URBAN REDEVELOPMENT AGENCY EXERCISE THE CITY'S URBAN REDEVELOPMENT PROJECT POWERS; RESCINDING AND SUPERSEDING THE APRIL 8, 2024 DESIGNATION OF THE MEMBERS OF THE JONESBORO DOWNTOWN DEVELOPMENT AUTHORITY TO SERVE AS THE BOARD OF COMMISSIONERS OF THE URBAN REDEVELOPMENT AGENCY; RESTORING AN INDEPENDENT BOARD OF COMMISSIONERS; DETERMINING THE NUMBER AND TERMS OF OFFICE OF THE COMMISSIONERS; PROVIDING FOR APPOINTMENT BY THE MAYOR WITH THE ADVICE AND CONSENT OF THE CITY COUNCIL; PRESERVING THE PROPERTY, CONTRACTS, RIGHTS, OBLIGATIONS, LIABILITIES AND PRIOR LAWFUL ACTIONS OF THE URBAN REDEVELOPMENT AGENCY; PROVIDING FOR AN ORDERLY GOVERNANCE TRANSITION; REPEALING CONFLICTING ACTIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, Chapter 61 of Title 36 of the Official Code of Georgia Annotated, known as the "Urban Redevelopment Law," creates in each municipality a public body corporate and politic known as the urban redevelopment agency of the municipality; and

WHEREAS, O.C.G.A. § 36-61-18(a) provides that an urban redevelopment agency may transact business and exercise its powers after the local governing body has made the findings required by O.C.G.A. § 36-61-5 and has elected pursuant to O.C.G.A. § 36-61-17 to have the urban redevelopment project powers exercised by the agency; and

WHEREAS, on April 13, 2015, the City Council adopted Resolution No. 2015-05, finding that one or more areas requiring rehabilitation, conservation or redevelopment existed within the City and that the rehabilitation, conservation or redevelopment of such areas was necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and

WHEREAS, Resolution No. 2015-05 expressly elected to have the Urban Redevelopment Agency of the City of Jonesboro, Georgia, exercise the City's urban redevelopment project powers, activated the public body corporate and politic known as the Urban Redevelopment Agency of the City of Jonesboro, Georgia, established an independent board consisting of five commissioners and appointed the initial commissioners of the Agency; and

WHEREAS, on December 9, 2019, the City Council adopted Resolution No. 2019-016, finding and declaring that one or more pockets of blight existed within the City and that rehabilitation,

conservation or redevelopment of such areas was necessary in the interest of the public health, safety, morals or welfare of the residents of the City; and

WHEREAS, on December 9, 2019, the City Council adopted Resolution No. 2019-017, finding that the approximately 1.9-acre Broad Street site constituted a pocket of blight and designating the site as an urban redevelopment area appropriate for urban redevelopment projects; and

WHEREAS, following published notice, the City conducted a public hearing on December 18, 2019, concerning the proposed Broad Street Urban Redevelopment Plan and thereafter approved the Broad Street Urban Redevelopment Plan and the urban redevelopment projects described therein; and

WHEREAS, in December 2019, the Urban Redevelopment Agency filed a petition in the Superior Court of Clayton County seeking authorization to serve as the borrower, bond issuer, and redevelopment entity in an original principal amount not to exceed Six Million Dollars, for the purpose of financing the acquisition, construction, renovation and installation of the Broad Street urban redevelopment projects, including the historic Firehouse property located at 103 West Mill Street; and

WHEREAS, on December 30, 2019, the Superior Court of Clayton County entered an order and final judgment validating the bond, the authority of the Urban Redevelopment Agency to issue the bond and the related financing documents and obligations of the Urban Redevelopment Agency and the City; and

WHEREAS, the Urban Redevelopment Agency served as the borrower, bond issuer, redevelopment entity and project owner in the 2019 financing structure, while the City entered into an Intergovernmental Redevelopment Cooperation and Assistance Agreement obligating the City to make payments sufficient to enable the Agency to satisfy the bond debt and related project expenses; and

WHEREAS, on December 31, 2019, the City and the URA entered into an Intergovernmental Redevelopment Cooperation and Assistance Agreement, in connection with the financing and development of the Broad Street urban redevelopment projects; and

WHEREAS, on December 31, 2019, the City conveyed the historic Firehouse Property located at 103 West Mill Street to the Urban Redevelopment Agency by Quitclaim Deed recorded on January 6, 2020, in Deed Book 11769, Page 556 of the real property records of Clayton County, Georgia; and

WHEREAS, the Urban Redevelopment Agency remains the record owner of the Firehouse Property and possesses existing property, contractual, leasing and redevelopment responsibilities concerning that public asset; and

WHEREAS, the Firehouse property was subsequently made subject to a Rural Zone Tax Credit financing structure involving the Urban Redevelopment Agency, the Jonesboro Downtown

Development Authority, certain private entities and a private tax credit investor regarding the leasing of the Firehouse Property; and

WHEREAS, the Rural Zone Tax Credit structure involved installment sale, leasehold, contractual, beneficial and tax credit interests held by entities other than the Urban Redevelopment Agency, while record title to the real estate remained vested in the Urban Redevelopment Agency; and

WHEREAS, the applicable tax credit period has ended or is believed to have ended, and the City and the Urban Redevelopment Agency must confirm the satisfaction of all bond, installment sale, investor, lease and related obligations before the project structure may be lawfully unwound or simplified; and

WHEREAS, the Urban Redevelopment Agency may be required to approve assignments, releases, satisfactions, lease amendments, property management actions, title corrections and other instruments necessary to protect its interests as record owner and to simplify the ownership and leasing structure affecting the Firehouse property; and

WHEREAS, at its regular meeting on April 8, 2024, Mayor and Council approved the “reconstitution of the former Urban Redevelopment Agency of the City of Jonesboro and the appointment of the current Jonesboro Downtown Development Authority as the URA Board”, thereby, designating the individuals serving as directors of the Jonesboro Downtown Development Authority to serve concurrently as the commissioners governing the Urban Redevelopment Agency pursuant to O.C.G.A. § 36-61-18(b); and; and

WHEREAS, multiple directors of the Jonesboro Downtown Development Authority have recently resigned, resulting in vacancies that prevent the Downtown Development Authority from convening a quorum to transact business; and

WHEREAS, the vacancies on the Jonesboro Downtown Development Authority have prevented the Urban Redevelopment Agency from exercising its powers, managing its property, approving contracts and leases, administering its financial and legal responsibilities and taking other binding action concerning property and obligations held in the name of the Agency; and

WHEREAS, the Urban Redevelopment Agency has immediate responsibilities concerning the ownership, management, leasing and potential conveyance of property, the confirmation or satisfaction of bond and contractual obligations and the advancement of critical public redevelopment projects; and

WHEREAS, the City Council desires to retain and reaffirm the fundamental governance decision embodied in Resolution No. 2015-05 by restoring an independent Board of Commissioners for the Urban Redevelopment Agency; and

WHEREAS, O.C.G.A. § 36-61-17(a) authorizes the local governing body, by resolution and upon a determination that such action is in the public interest, to elect to have the urban redevelopment project powers exercised by the urban redevelopment agency created by O.C.G.A. § 36-61-18; and

WHEREAS, O.C.G.A. § 36-61-18(b) provides that the Mayor, by and with the advice and consent of the local governing body, shall appoint the commissioners of a municipal urban redevelopment agency and that the local governing body shall determine the number of commissioners and their terms of office; and

WHEREAS, O.C.G.A. § 36-61-18(c) provides that each commissioner shall hold office until a successor has been appointed and qualified and requires a certificate of appointment or reappointment to be filed with the City Clerk; and

WHEREAS, O.C.G.A. § 36-61-18(d) provides that a majority of the commissioners shall constitute a quorum and that a person may be appointed as a commissioner if the person resides within the area of operation of the Agency and is otherwise eligible under the Urban Redevelopment Law; and

WHEREAS, O.C.G.A. § 36-61-18(e) provides that the Mayor shall designate a chair and vice chair from among the duly appointed commissioners; and

WHEREAS, O.C.G.A. § 36-61-2 defines the area of operation of a municipal urban redevelopment agency to include the area within the corporate limits of the municipality and the area within five miles of those limits, subject to the statutory exclusions concerning territory located within another incorporated municipality or another county; and

WHEREAS, the broader eligibility requirements applicable to an independent Urban Redevelopment Agency board will permit the appointment of qualified and engaged persons with experience in real estate, finance, banking, community development, economic development, law, architecture, planning, construction, public administration, business or other fields relevant to the responsibilities of the Agency; and

WHEREAS, O.C.G.A. § 36-61-19(b) permits other public officers of the City to serve as commissioners of the Urban Redevelopment Agency, provided that they comply with applicable appointment, eligibility and conflict-of-interest requirements; and

WHEREAS, the Mayor and Council find that an independent, qualified and engaged Board of Commissioners will promote continuity, accountability, informed decision making, protection of public assets and the timely advancement of the City's redevelopment objectives; and

WHEREAS, the Mayor and Council further find that the governance transition authorized by this Resolution concerns the structure and composition of the Agency's governing board and is not an adjudication of misconduct, inefficiency or neglect of duty by any individual presently serving or previously serving as a commissioner or director.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, GEORGIA, AS FOLLOWS:

SECTION 1. INCORPORATION OF RECITALS

The foregoing recitals are incorporated into this Resolution and adopted as the findings and determinations of the City Council.

SECTION 2. REAFFIRMATION OF THE CITY'S ELECTION UNDER THE URBAN REDEVELOPMENT LAW

It remains in the public interest for the Urban Redevelopment Agency of the City of Jonesboro, Georgia, to exercise the City's urban redevelopment project powers as authorized by O.C.G.A. § 36-61-17.

The City of Jonesboro does hereby reaffirm the election made through Resolution No. 2015-05 to have the Urban Redevelopment Agency exercise the City's urban redevelopment project powers. Resolution No. 2015-05 shall remain effective as the foundational resolution activating the Urban Redevelopment Agency, except that its provisions concerning the number and terms of commissioners are superseded by this Resolution.

No prior action shall be considered repealed or superseded unless it is inconsistent with the express terms of this Resolution.

The powers reserved by O.C.G.A. § 36-61-17(b) to the City and its local governing body shall remain vested in and exercised by the City as provided by law.

SECTION 3. RESCISSION OF THE APRIL 8, 2024, DDA DESIGNATION

The April 8, 2024, action designating the Jonesboro Downtown Development Authority to serve as the Urban Redevelopment Agency is rescinded and superseded as provided herein.

This rescission is prospective and shall become operative on the Effective Date of this Resolution. Nothing in this Section shall be construed as:

- Dissolving or deactivating the Jonesboro Downtown Development Authority.
- Transferring, releasing, extinguishing or modifying any property interest, contract, obligation, liability or responsibility of the Jonesboro Downtown Development Authority.
- Invalidating any lawful action previously taken by the Downtown Development Authority or Urban Redevelopment Agency while a lawful quorum existed.
- Affecting the continuing enforceability of any lawful contract, lease, bond, resolution, financing document or other obligation previously approved by either entity.
- Impairing

SECTION 4. NUMBER AND COMPOSITION OF COMMISSIONERS

The Board of Commissioners of the Urban Redevelopment Agency of the City of Jonesboro, Georgia, shall consist of seven commissioners. The Board shall be composed as follows:

- Three (3) commissioners shall be elected officials of the City of Jonesboro serving in office at the time of appointment.

- Four (4) commissioners shall be persons who do not hold elected office with the City of Jonesboro and who otherwise satisfy the residency and eligibility requirements of this Resolution and applicable law.

Each commissioner shall be appointed by the Mayor with the advice and consent of the City Council pursuant to O.C.G.A. § 36-61-18(b).

SECTION 5. TERMS OF OFFICE

The regular term of office for each commissioner shall be [#] years, provided that, if an elected official commissioner ceases to hold the elected City office that qualified the commissioner for the designated seat, the commissioner's URA seat shall become vacant upon leaving that elected office. The vacancy shall be filled by appointment of another eligible elected official for the remainder of the unexpired term.

A commissioner shall serve following the expiration of their term until their respective successors have been appointed and qualified.

If a non-elected commissioner is elected or appointed to an elected office of the City during the commissioner's URA term, that commissioner shall no longer qualify for a non-elected seat unless the City Council separately redesignates the seat and such redesignation remains consistent with the composition required by this Section.

A vacancy occurring before the expiration of a term shall be filled by appointment of the Mayor with the advice and consent of the City Council. The person appointed to fill the vacancy shall serve for the remainder of the unexpired term and until a successor has been appointed and qualified. A commissioner may be reappointed if the commissioner remains eligible under applicable law and continues to satisfy the requirements applicable to the designated seat.

SECTION 6. APPOINTMENT OF COMMISSIONERS

The Mayor hereby appoints, subject to the advice and consent of the City Council, the following persons to the Board of Commissioners of the Urban Redevelopment Agency:

Seat	Appointee Name	Term Expiration	Elected Status
Seat One	_____	December 31, 202_	_____
Seat Two	_____	December 31, 202_	_____
Seat Three	_____	December 31, 202_	_____
Seat Four	_____	December 31, 202_	_____
Seat Five	_____	December 31, 202_	_____
Seat Six	_____	December 31, 202_	_____
Seat Seven	_____	December 31, 202_	_____

Pursuant to O.C.G.A. § 36-61-18(e), the Mayor designates the following named appointees to serve as Chair and Vice-Chair, respectively: _____ Chair; and _____, Vice-Chair.

SECTION 7. RESIDENCY AND ELIGIBILITY

Each commissioner must reside within the statutory area of operation of the Urban Redevelopment Agency and must otherwise be eligible for appointment under Chapter 61 of Title 36 of the Official Code of Georgia Annotated.

For purposes of appointment to the Jonesboro Urban Redevelopment Agency, the area of operation includes:

- Territory located within the corporate limits of the City of Jonesboro; and
- Territory located within five miles of the City's corporate limits, except territory located within the territorial limits of another incorporated municipality or another county unless the governing body of that municipality or county has adopted a resolution declaring a need for the Jonesboro Urban Redevelopment Agency to operate within that territory.

Each commissioner shall remain eligible throughout the term of office and shall promptly notify the City Clerk of any change affecting eligibility.

SECTION 8. QUORUM AND VOTING

A majority of the commissioners shall constitute a quorum for conducting business and exercising the powers of the Urban Redevelopment Agency.

For the seven-member Board established by this Resolution, four commissioners shall constitute a quorum.

Once a quorum is present, action may be taken by a vote of a majority of the commissioners present unless applicable law or the Agency's bylaws require a greater vote.

SECTION 9. NO IMPAIRMENT OF OBLIGATIONS

This Resolution shall be interpreted and implemented so as not to impair any valid contract, bond, security interest, property right or other legally enforceable obligation.

Nothing in this Resolution shall be construed as a repudiation of any lawful obligation of the City, the Urban Redevelopment Agency or the Jonesboro Downtown Development Authority.

SECTION 10. SEVERABILITY

If any section, subsection, sentence, clause, phrase or provision of this Resolution is declared invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

SECTION 11. EFFECTIVE DATE

This Resolution shall become effective immediately upon its adoption.

SO RESOLVED, ADOPTED AND APPROVED this _____ day of **July, 2026**.

CITY OF JONESBORO, GEORGIA

By: _____
Donya L. Sartor, Mayor

Attest:

Shandrella Jewett, City Clerk

Approved as to form:

LaTonya Nix Wiley, City Attorney