

STATE OF GEROGIA

DEKALB COUNTY

CITY OF STONECREST

ORDINANCE NO. _____-_____

AN ORDINANCE TO AMEND ARTICLE IV BOARDS, COMMISSIONS, AUTHORITIES AND SIMILAR BODIES DIVISION 2. DEVELOPMENT AUTHORITY WITHIN CHAPTER 2 (“ADMINISTRATION”) OF THE CODE OF ORDINANCES, CITY OF STONECREST, GEORGIA; TO PROVIDE FOR CONDIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PUPOSES.

WHEREAS, the duly elected governing authority of the City of Stonecrest, Georgia (“City”) is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and

WHEREAS, the duly elected governing authority of the City of Stonecrest, Georgia is the Mayor and City Council (“City Council”) thereof; and

WHEREAS, The City Council of the City declared that there was a need for a Development Authority, as more fully described and defined in the Georgia Development Authorities Law, O.C.G.A. § 36-62-1 et seq.; and

WHEREAS, there was created in the City of Stonecrest, Georgia, a nonprofit public body corporate and politic known as the Stonecrest Development Authority(“SDA”); and

WHEREAS, in addition to the provisions located in O.C.G.A. § 36-62-1 et seq the SDA is governed by the provisions of ARTICLE IV BOARDS, COMMISSIONS, AUTHORITIES AND SIMILAR BODIES DIVISION 2. DEVELOPMENT AUTHORITY OF CHAPTER 2 ADMINISTRATION (“SDA Code”) of the City Code of Ordinances; and

WHEREAS, the SDA Code may be amended from time to time, for the purpose of developing and promoting trade, commerce, industry and employment opportunities for the public good and the general welfare while performing an essential governmental function in the City of Stonecrest.; and

BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STONECREST, GEORGIA, and by the authority thereof:

Section 1. That the Code of Ordinances of the City of Stonecrest, Georgia is hereby amended by amending ARTICLE IV BOARDS, COMMISSIONS, AUTHORITIES AND SIMILAR BODIES DIVISION 2. DEVELOPMENT AUTHORITY OF CHAPTER 2 ADMINISTRATION by adopting the provisions set forth in Exhibit A attached hereto and made a part by reference.

Section 2. That text added to current law appears in red, bold and underlined. Text removed from current law appears as red, and strikethrough.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause, or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph, or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional, or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or section of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. The City Clerk, with the concurrence of the City Attorney, is authorized to correct any scrivener's errors found in this Ordinance, including its exhibits, as enacted.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Stonecrest.

Section 8. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Stonecrest, Georgia.

ORDAINED this_____ **day of** _____, **2023.**

[SIGNATURES ON FOLLOWING PAGE]

CITY OF STONECREST, GEORGIA

Jazzmin Cobble, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

DIVISION 2. DEVELOPMENT AUTHORITY

Sec. 2-117. Declaration of need.

The Mayor and Council of the City hereby declare that there is determined to be a recent and future need for a Development Authority, as more fully described and defined in the Georgia Development Authorities Law, O.C.G.A. § 36-62-1 et seq., as it may be amended from time to time, for the purpose of developing and promoting trade, commerce, industry and employment opportunities for the public good and the general welfare while performing an essential governmental function in the City of Stonecrest.

Sec. 2-118. Creation.

There is hereby created in the City of Stonecrest, Georgia, a nonprofit public body corporate and politic known as the "Stonecrest Development Authority." The Stonecrest Development Authority may be activated by the Mayor and Council at any time by approval of an activation Resolution which shall cause for the activation of the Stonecrest Development Authority and appointment of the initial Board of Directors.

Sec. 2-119. Board of directors.

- (a) The Stonecrest Development Authority Board of Directors shall be composed of seven members, each of whom shall be a taxpayer residing in the City of Stonecrest. ~~and none of whom is a member of the Mayor and City Council~~ The Mayor and City Council may appoint no more than one member of the governing authority as a director.
- (b) The initial term of office of the Board of Directors shall be staggered to include four members to serve an initial term of two years and three members to serve an initial term of four years. Thereafter, any succeeding Director shall serve a term of four years as set forth in O.C.G.A. § 36-62-4.
- (c) Directors may be appointed by the Mayor and City Council for more than one consecutive term. If at the end of any term of office of any Director, a successor thereto has not been appointed, the Director whose term of office has expired shall continue to hold office until his successor is so appointed.
- (d) The Board of Directors shall notify the City Council within 60 days of the resignation, removal, death, disqualification, or expiration of the terms of any Director of the Authority.

Sec. 2-120. By-laws.

Within 60 days of the activation of the Stonecrest Development Authority by Resolution, the Board of Directors shall organize itself, enact and comply with By-Laws which shall be approved by the Mayor and City Council, carry out its duties and responsibilities and exercise its powers and prerogatives in accordance with the terms and provisions of the Development Authorities Law, as it now exists or may hereafter be amended. Any amendments to the By-Laws shall also be first approved by Mayor and City Council.

Secs. 2-121—2-136. Reserved.