



CITY OF DUNWOODY
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MEMORANDUM

To: Honorable Mayor and City Council

From: Warren Hutmacher, City Manager

Date: January 22, 2009

Subject: Creation of a Dunwoody Development Authority

Staff recommends the creation of the Dunwoody Development Authority by ordinance of the City Council. The Dunwoody Development Authority is a “authority” created by state law. A Development Authority serves several purposes;

1. Legal “vehicle” to allow for long term leases and contracts
2. Ability to execute bond financing for public and private sector economic development initiatives (with the consent of the City Council and with no recourse to the City of Dunwoody)
3. A dedicated board focused on economic development initiatives

Initially, this board is being established to serve as the entity that will execute a lease agreement for the City Hall project. This is necessary because the City Council is restricted from signing long term agreements that go beyond the term of a City Council. Authority’s have no such restriction, and cities can contract with authorities through intergovernmental agreements up to a period of 50 years. The lease of City Hall will require a term commitment longer than a term of Council.

Attached to this memorandum you will find an ordinance creating the Dunwoody Development Authority which includes the appointment of its 7 member board. I recommend each member appoint one person to the Board.

A ONE-READ ORDINANCE TO DECLARE THE NEED FOR THE CREATION OF A DEVELOPMENT AUTHORITY TO FUNCTION IN THE CITY OF DUNWOODY, GEORGIA PURSUANT TO THE PROVISIONS OF THE CONSTITUTION OF THE STATE OF GEORGIA AND THE DEVELOPMENT AUTHORITIES LAW, O.C.G.A. §36-62-1, ET SEQ.; AS IT MAY BE AMENDED FROM TIME TO TIME; TO ACTIVATE A DEVELOPMENT AUTHORITY AND APPOINT A BOARD OF DIRECTORS FOR SAID DEVELOPMENT AUTHORITY; TO AUTHORIZE SAID DEVELOPMENT AUTHORITY TO EXERCISE ALL POWERS CONTAINED IN THE DEVELOPMENT AUTHORITIES LAW; TO PROVIDE FOR NOTICE TO THE SECRETARY OF STATE OF THE STATE OF GEORGIA OF THE ADOPTION OF THIS ORDINANCE; TO RESCIND AND REPLACE ALL PREVIOUS LEGISLATION CREATING AND ACTIVATING A PRIOR DEVELOPMENT AUTHORITY FOR THE CITY OF DUNWOODY; TO PROVIDE FOR AN EFFECTIVE DATE; TO RESCIND CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to ARTICLE IX, SECTION VI, PARAGRAPH III of the Constitution of the State of Georgia of 1983 and the Georgia Development Authorities Law, O.C.G.A. §36-62-1, *et seq.*, there is created in and for each county and municipality in the state a public body corporate and politic to be known as the “development authority;” and

WHEREAS, it has been determined by the Mayor and Council of the City of Dunwoody, Georgia (the “City”) that there is a need in the City to develop and promote trade, commerce, industry and employment opportunities for the public good and the general welfare while performing an essential governmental function in the exercise of that power; and

WHEREAS, the Mayor and Council desire to create a climate favorable to the location of new industry, trade and commerce and to encourage the development of existing industry, trade and commerce within the City; and

WHEREAS, it has been determined by the Mayor and Council that it is desirable and necessary that the Development Authority of the City be activated immediately, pursuant to the Development Authorities Law, in order to fulfill the needs expressed herein; and

WHEREAS, the City is imbued with certain redevelopment powers under the Georgia Redevelopment Powers Law, O.C.G.A. §36-44-1, *et seq.*, and desires to designate the Dunwoody Development Authority as its redevelopment agency to implement certain Redevelopment Plans of the City; and

WHEREAS, this Ordinance shall become effective as an Ordinance upon first reading as provided in Section 2.15 of the Charter of the City of Dunwoody, Georgia.

NOW, THEREFORE IT IS ORDAINED by the Mayor and Council of the City that there is determined and declared 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 Dunwoody.

IT IS FURTHER ORDAINED that there be and there is hereby created and activated in the City of Dunwoody, Georgia a nonprofit public body corporate and politic known as the “Dunwoody Development Authority.”

IT IS FURTHER ORDAINED that there be and there are hereby appointed as members of the first Board of Directors of the Dunwoody Development Authority the following named persons, each of whom shall be a taxpayer residing within the City of Dunwoody, and none of whom is a member of the governing body of the City of Dunwoody. The Mayor and City Council shall serve as ex-officio members of the Dunwoody Development Authority pursuant to the City Charter.

Appointee	Initial Terms of Office	Expiration of Term
Bill Robinson	Two Years	December 31, 2010
	Two Years	December 31, 2010
	Two Years	December 31, 2010
	Two Years	December 31, 2010
	Four Years	December 31, 2012
	Four Years	December 31, 2012
	Four Years	December 31, 2012

IT IS FURTHER ORDAINED that commencing with the date of the adoption of this Ordinance each of said persons named as directors shall serve in such capacity for the number of years as set forth in O.C.G.A. §36-62-4, as it now exists or may hereafter be amended. Directors may be appointed by the City Council for more than one consecutive term.

IT IS FURTHER ORDAINED that all subsequent directors of the Dunwoody Development Authority shall serve for terms of four years in accordance with Georgia law. 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 or her successor is so elected.

IT IS FURTHER ORDAINED that within sixty (60) days after adoption of this Ordinance, the Board of Directors hereinbefore elected shall organize itself, enact and comply with By-Laws which shall be approved by the Dunwoody 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 of the Authority By-Laws shall also be approved by the Mayor and City Council.

IT IS FURTHER ORDAINED that the Board of Directors shall notify the Dunwoody City Council within sixty (60) days of the resignation, removal, death, disqualification or expiration of the term of any Director of the Authority.

IT IS FURTHER ORDAINED that the City Clerk is promptly furnish to the Secretary of State of the State of Georgia a certified copy of this Ordinance, in compliance with the provisions of O.C.G.A. §36-64-4(c).

IT IS FURTHER ORDAINED that this Ordinance shall be effective immediately upon its adoption by the City Council and from and after such adoption the Dunwoody Development Authority shall be deemed to be fully created and activated.

IT IS FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith, particularly any previous Ordinance related to a Dunwoody Development Authority to the extent such Ordinances exist, are hereby rescinded.

[SIGNATURES ON FOLLOWING PAGE]

SO ADOPTED AND APPROVED, this 26th day of January, 2009.

Approved:

Ken Wright, Mayor

Attest:

Approved as to Form and Content:

Sharon Lowery, City Clerk

Brian Anderson, City Attorney

Seal