

## ORDINANCE 2020-001

1st reading and Introduction: February 3, 2020

2nd reading: February 17, 2020

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**AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO INCREASE THE MEMBERSHIP OF THE DEVELOPMENT AUTHORITY OF POWDER SPRINGS FROM SEVEN (7) DIRECTORS TO NINE (9) DIRECTORS; TO CONFORM THE CODE OF ORDINANCES TO STATE LAW AS TO SERVICE ON THE AUTHORITY BY A MEMBER OF THE CITY COUNCIL; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS**, the Mayor and Council of the City of Powder Springs are authorized to appoint directors to the Development Authority of Powder Springs, Georgia; and

**WHEREAS**, the City's current Code of Ordinances provides that the Development Authority of Powder Springs consist of seven (7) directors; however, the Official Code of Georgia Annotated § 36-62-4 sets seven (7) as a minimum number of directors and allows up to two (2) additional directors; and

**WHEREAS**, the City's current Code of Ordinances does not allow an officer or employee of the City to serve as director on the Development Authority of Powder Springs; however, the Official Code of Georgia Annotated § 36-62-5 provides that the governing authority may appoint no more than one member of the governing authority as a director; and

**WHEREAS**, the Mayor and Council wish to amend the Code of Ordinances to increase the number of directors to nine (9) and conform the Code of Ordinances to State Law with regard to service by a member of the city's governing authority.

**NOW THEREFORE**, the Mayor and Council of the City of Powder Springs find that in the interest of the public health, safety and welfare it does hereby ordain that the Code of Ordinances is amended as follows with deletions shown with a strike-through and additions shown as underlined:

### SECTION ONE

The Code of Ordinances is amended by making the following changes to Chapter 15:

#### **Sec. 15-2. - Same—Board of directors; officers.**

The governing body of the development authority shall be known as the board of directors and shall consist of nine (9) ~~seven (7)~~ directors to be appointed by resolution of the governing body of the city for initial terms of two (2), four (4) and six (6) years, and thereafter for staggered terms of four (4) years. At the time of the election of the first board of directors, the governing body of the city shall elect by resolution two (2) directors for two (2) years, two (2) directors for four (4) years, and three (3) directors for six (6) years, and thereafter the terms of all directors shall be four (4) year staggered terms, including the terms of two (2) additional directors to be appointed subsequent to the first board. The directors shall be taxpayers residing in the city; no more than one (1) director may be ~~shall be a member of the City Council an officer or employee of the city.~~ The directors shall elect one (1) of their members as chairman and another as vice-chairman and shall also elect a secretary and treasurer or a secretary/treasurer, either of whom may, but need not, be a director. The directors shall receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties, subject to budget availability, as determined by the finance director, approval by a majority of members prior to incurring his or her expense, and submittal of receipts within fourteen (14) days of incurring the expense. The authority may make by-laws and regulations

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for its government and may delegate to one (1) or more of its officers, agents or employees such powers and duties that may be deemed necessary and proper. The authority created hereunder shall have perpetual existence as hereinafter provided. A majority of the directors shall constitute a quorum, but no action shall be taken by the board without the affirmative vote of a majority of the full membership of the board.

(Code 1972, § 7-202; Ord. No. 2002-15, § 1, 7-15-02; Ord. No. > 2016-026 , § 1, 10-17-16; Ord. No. 2017-033 , § 1(Exh. A), 12-4-17)

SECTION TWO

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.


SECTION THREE

If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION FOUR

This ordinance shall become effective five (5) days after its adoption by the City Council.

SO ORDAINED, this 17<sup>th</sup> day of February, 2020.

  
Albert Thurman, Mayor

  
Patrick Bordelon, Council Member

[signatures continued on following page]

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Doris Dawkins, Council Member



Patricia Wisdom, Council Member




Henry Lust, Council Member



Thelma C. Farmer, Council Member

ATTEST:

  
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Kelly Axt, City Clerk