

RESOLUTION

A RESOLUTION OF THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA TO THE GENERAL ASSEMBLY RELATING TO A REPEAL OF O.C.G.A. § 36-75-11, WHICH REQUIRES A BOND REFERENDUM FOR ANY AUTHORITY TO ISSUE BONDS TO BE REPAID BY THE COUNTY IN ANY WAY IN ANY COUNTY WITH A PUBLIC SAFETY AND JUDICIAL FACILITIES AUTHORITY

WHEREAS, the Governing Authority of DeKalb County desires a repeal of the language contained in O.C.G.A. § 36-75-11, which requires any authority in a county, with a public safety and judicial facilities authority, to seek approval of any bond issuance via prior referendum if such bonds will be repaid directly or indirectly with funds of the county; and

WHEREAS, the DeKalb County Governing Authority requests legislation with the characteristics described herein.

NOW, THEREFORE, BE IT RESOLVED by the Governing Authority of DeKalb County, Georgia that it requests that the Georgia General Assembly repeal O.C.G.A. § 36-75-11, which is set forth in Exhibit 1 hereto, in its entirety; and

BE IT FURTHER RESOLVED that the Executive Assistant or designee deliver a copy of this Resolution to each member of the Georgia General Assembly representing a portion of DeKalb County.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2018.

JEFF RADER
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2018.

MICHAEL L. THURMOND
Chief Executive Officer
DeKalb County, Georgia

ATTEST:

APPROVED AS TO FORM:

BARBARA SANDERS-NORWOOD, CCC
Clerk to the Board of Commissioners
and Chief Executive Officer
DeKalb County, Georgia

VIVIANE H. ERNSTES
County Attorney

EXHIBIT 1

Current §36-75-11

O.C.G.A. § 36-75-11. Issuance of bonds; approval of resolution; ranking of projects; recovery zone bonds not covered

- (a) *On and after May 24, 2007, no public safety and judicial facilities authority created and activated by a single county pursuant to this chapter shall be authorized to issue bonds for new projects unless a resolution approving such projects passed by a majority vote of the governing authority of the county that created and activated such authority was ratified by the electors of the county in a referendum.*
- (b) *The proceeds of bonds issued by a public safety and judicial facilities authority created and activated by a single county pursuant to this chapter and any interest on such proceeds shall be used only for the projects set forth in the resolution approving the issuance of such bonds or for debt service on such bonds.*
- (c) *Any authority other than the type of authority defined in paragraph (1) of Code Section 36-75-3:*
 - (1) *Which is authorized by general or local Act to operate and issue bonds in a single county that has activated or that activates a public safety and judicial facilities authority pursuant to this chapter; and*
 - (2) *Which constructs or operates buildings or facilities for use by any department, agency, division, or commission of any county that has activated or that activates a public safety and judicial facilities authority pursuant to this chapter*

shall obtain approval by resolution and referendum as provided in this Code section prior to issuing bonds for any new buildings, facilities, or real property or improvements to existing buildings, facilities, or real property and shall be bound to such resolution as provided in subsection (b) of this Code section.
- (d) *Subsections (a), (b), and (c) of this Code section shall apply only to the issuance of bonds the principal and interest of which will be repaid, directly or indirectly, in whole or in part, through funds of the county by agreement between the county and:*
 - (1) *A public safety and judicial facilities authority created and activated pursuant to this chapter; or*
 - (2) *Any authority other than the type of authority defined in paragraph (1) of Code Section 36-75-3 that meets the conditions set forth in paragraphs (1) and (2) of subsection (c) of this Code section.*

- (e) *The provisions of this Code section shall not apply under any circumstances to the issuance of “recovery zone economic development bonds” and “recovery zone facility bonds” as such terms are defined in Section 1401 of the federal American Recovery and Reinvestment Act of 2009.*

[Requested Revision to §36-75-11 in bold]

§36-75-11. Issuance of bonds; approval by resolution; ranking of projects; recovery zone bonds not covered.

Repealed.