

**OFFICE OF SECRETARY OF STATE**

**I, Brian P. Kemp, Secretary of State of the  
State of Georgia, do hereby certify that**

the 13 pages of photocopied matter hereto attached contain a true and correct copy of an Act approved by the Governor on May 03, 2017 numbered Act No. 134, House Bill 563; all as same appear of file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 18th day of April, in the year of our Lord Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.



*B. P. Kemp*

Brian P. Kemp, Secretary of State

114

ENROLLMENT

Apr. 14 20 17

The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.

Barbara K. Taylor  
Chairman

[Signature]  
Speaker of the House

[Signature]  
Clerk of the House

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

Received [Signature]  
Secretary, Executive Department

This 4<sup>th</sup> day of April 20 17

Approved [Signature]  
Governor

This 3 day of MAY 20 17

H.B. No. 563 Act No. 134  
General Assembly



AN ACT

To create the Clarkston Development Authority; to provide a short title; to provide definitions; to provide for the powers of the authority; to provide for members of the authority; to provide a development area; to provide for revenue bonds and other obligations of the authority; to recite constitutional authority; to provide for effect on other authorities; to provide for related matters; to repeal conflicting laws; and for other purposes.

IN HOUSE

Read 1<sup>st</sup> time 3-10-17  
Read 2<sup>nd</sup> time 3-13-17  
Read 3<sup>rd</sup> time 3-14-17  
And Passed  
Yeas 160 Nays 0

Clerk of the House

IN SENATE

Read 1<sup>st</sup> time 3-15-17  
Read 2<sup>nd</sup> time  
Read 3<sup>rd</sup> time  
And Passed 3-22-17  
Yeas 52 Nays 1

Passed Both Houses

[Signature]

Secretary of the Senate  
By: Reps. Dreuner of the 85<sup>th</sup> and Henson of the 86<sup>th</sup>

## AN ACT

To create the Clarkston Development Authority; to provide a short title; to provide definitions; to provide for the powers of the authority; to provide for members of the authority; to provide a development area; to provide for revenue bonds and other obligations of the authority; to recite constitutional authority; to provide for effect on other authorities; to provide for related matters; to repeal conflicting laws; and for other purposes.

### BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

#### SECTION 1.

Short title of Act.

This Act shall be known and may be cited as the "Clarkston Development Authority Act."

#### SECTION 2.

Definitions.

(a) As used in this Act:

- (1) "Authority" shall mean the Clarkston Development Authority created pursuant to Section 3 of this Act.
- (2) "Cost of the project" or "cost of any project" shall mean and shall include: all costs of acquisition (by purchase or otherwise), demolition, funds for the creation of a revolving loan fund, construction, assembly, installation, modification, renovation, or rehabilitation incurred in connection with any project or any part of any project; all costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including, but not limited to, the cost of all land, estates for years, easements, rights, improvements, water rights, connections for utility services, fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates and the cost of preparation of any application therefor; the cost of all fixtures, machinery, equipment, furniture, and other property used in or in connection with or necessary for any project; all financing charges and loan fees and all interest on revenue bonds, notes, or other obligations of an authority which accrues or is paid prior to and during the period of construction of a project and during such additional period as the authority may reasonably determine to be necessary to place such project in operation; all costs of

engineering, surveying, architectural, and legal services and all expenses incurred by engineers, surveyors, architects, and attorneys in connection with any project; all expenses for inspection of any project; all fees of fiscal agents, paying agents, and trustees for bondholders under any trust agreement, indenture of trust, or similar instrument or agreement; all expenses incurred by any such fiscal agents, paying agents, and trustees; all other costs and expenses incurred relative to the issuance of any revenue bonds, notes, or other obligations for any project; all fees of any type charged by an authority in connection with any project; all expenses of or incident to determining the feasibility or practicability of any project; all costs of plans and specifications for any project; all costs of title insurance and examinations of title with respect to any project; repayment of any loans made for the advance payment of any part of any of the foregoing costs, including interest thereon and any other expenses of such loans; administrative expenses of the authority and such other expenses as may be necessary or incident to any project or the financing thereof or the placing of any project in operation; and a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the authority may approve with respect to the financing and operation of any project and as may be authorized by any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement pursuant to the provisions of which the issuance of any revenue bonds, notes, or other obligations of the authority may be authorized. Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part of the cost of the project and may be paid or reimbursed as such out of proceeds of revenue bonds, notes, or other obligations issued by the authority.

(3) "Development area" means the geographical area of operations of the authority as described in Section 5 of this Act.

(4) "Governing body" shall mean the elected or duly appointed officials constituting the governing body of the City of Clarkston.

(5) "Project" shall mean the acquisition, demolition, construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements located or to be located within the development area and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement, all for the essential public purpose of the development of trade, commerce, industry, and employment opportunities in the development area. A project may be for any industrial, commercial, residential, business, office, parking, public, or other use, including the administration and operation of a revolving loan fund,

provided that a majority of the members of the authority determine, by a resolution duly adopted, that the project and such use thereof would further the public purpose of this Act.

(6) "Revenue bonds" or "bonds" shall mean any bonds issued by the authority that are authorized to be issued under the Constitution and laws of the State of Georgia, including refunding bonds and revenue bonds issued pursuant to Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," but not including notes or other obligations of an authority.

### SECTION 3.

Creation and power of authority.

(a) There is created a public body corporate and politic known as the Clarkston Development Authority.

(b) The authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, but without limiting the generality of the foregoing, the power to:

- (1) Sue and be sued;
- (2) Adopt and amend a corporate seal;
- (3) Make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the authority or to further the public purpose for which the authority is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects, and contracts with respect to the use of projects;
- (4) Acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character or any interest therein in furtherance of the public purpose of the authority;
- (5) Finance, by loan, grant, lease, or otherwise, construct, demolish, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of revenue bonds, notes, or other obligations of the authority or any other funds of the authority, or from any contributions or loans by persons, corporations, partnerships (limited or general), or other entities, all of which the authority is authorized to receive and accept and use;
- (6) Borrow money to further or carry out its public purpose and to execute revenue bonds; notes; other obligations; leases; trust indentures; trust agreements; agreements for the sale of its revenue bonds, notes, or other obligations; loan agreements; mortgages;

deeds to secure debt; trust deeds; security agreements; assignments; and such other agreements or instruments as may be necessary or desirable, in the judgment of the authority, to evidence and to provide security for such borrowing;

(7) Issue revenue bonds, notes, or other obligations of the authority and use the proceeds thereof to pay all or any part of the cost of any project and otherwise to further or carry out the public purpose of the authority and to pay all costs of the authority incident to, or necessary and appropriate to, furthering or carrying out such purpose;

(8) Make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the authority's public purpose and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;

(9) Enter into agreements with the federal government or any agency thereof to use the facilities or the services of the federal government or any agency thereof in order to further or carry out the public purpose of the authority;

(10) Contract for any period not exceeding 50 years with the State of Georgia, state institutions, or any city, town, municipality, or county of the state for the use by the authority of any facilities or services of the state or any such state institution, city, town, municipality, or county or for the use by any state institution or any city, town, municipality, or county of any facilities or services of the authority, provided that such contracts shall deal with such activities and transactions as the authority and any such political subdivision with which the authority contracts are by law authorized to undertake;

(11) Extend credit or make loans to any person, corporation, partnership (limited or general), or other entity for the costs of any project or any part of the costs of any project, which credit or loans may be evidenced or secured by loan agreements, notes, mortgages, deeds to secure debt, trust deeds, security agreements, assignments, or other instruments or by rentals, revenues, fees, or charges, upon such terms and conditions as the authority shall determine to be reasonable in connection with such extension of credit or loans, including provision for the establishment and maintenance of reserve funds, and, in the exercise of powers granted in connection with any project, the authority shall have the right and power to require the inclusion in any such loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, or other instrument of such provisions or requirements for guarantee of any obligations, insurance, construction, use, operation, maintenance, and financing of a project and such other terms and conditions as the authority may deem necessary or desirable;

- (12) As security for repayment of any revenue bonds, notes, or other obligations of the authority, pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any property of the authority (including but not limited to real property, fixtures, personal property, and revenues or other funds) and to execute any lease; trust indenture; trust agreement; agreement for the sale of the authority's revenue bonds, notes, or other obligations; loan agreement; mortgage; deed to secure debt; trust deed; security agreement; assignment; or other agreement or instrument as may be necessary or desirable in the judgment of the authority to secure any such revenue bonds, notes, or other obligations, which instruments or agreements may provide for foreclosure or forced sale of any property of the authority upon default in any obligation of the authority, either in payment of principal, premium, if any, or interest or in the performance of any term or condition contained in any such agreement or instrument. The State of Georgia on behalf of itself and each county, municipal corporation, political subdivision, or taxing district therein waives any right it or such county, municipal corporation, political subdivision, or taxing district may have to prevent the forced sale or foreclosure of any property of the authority upon such default and agrees that any agreement or instrument encumbering such property may be foreclosed in accordance with law and the terms thereof;
- (13) Receive and use the proceeds of any tax levied by a county or municipal corporation to pay the costs of any project or for any other purpose for which the authority may use its own funds pursuant to this Act;
- (14) Receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts;
- (15) Use any real property, personal property, or fixtures or any interest therein, to rent or lease such property to or from others or make contracts with respect to the use thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to be the best advantage of the authority and the public purpose thereof;
- (16) Acquire, accept, or retain equitable interests, security interests, or other interests in any real property, personal property, or fixtures by loan agreement, note, mortgage, deed to secure debt, trust deed, security agreement, assignment, pledge, conveyance, contract, lien, loan agreement, or other consensual transfer in order to secure the repayment of any monies loaned or credit extended by the authority;
- (17) Appoint, select, and employ engineers, surveyors, architects, urban or city planners, developers, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;

(18) Encourage and promote the improvement and revitalization of the development area and to make, contract for, or otherwise cause to be made long-range plans or proposals for the development area in cooperation with the county within which the development area is located;

(19) Adopt bylaws governing the conduct of business by the authority, the election and duties of officers of the authority, and other matters which the authority determines to deal within its bylaws;

(20) Exercise any power granted by the laws of the State of Georgia to public or private corporations which is not in conflict with the public purpose of the authority; and

(21) Do all things necessary or convenient to carry out the powers conferred by this Act.

(c) The powers enumerated in subsection (b) of this section are cumulative with and in addition to those enumerated elsewhere in this Act, and no such power limits or restricts any other power of the authority.

#### SECTION 4.

Members of authority; disqualifications.

(a) The authority shall be composed of seven members as follows:

(1) Two members shall be either a taxpayer residing in the City of Clarkston or a taxpayer residing in DeKalb County who owns or operates a business located within the city's downtown development area;

(2) Two members shall be taxpayers residing in DeKalb County who possess specific experience, knowledge, or professional expertise in the field of banking, finance, real estate development, community development, or another area of expertise related to economic development; and

(3) Three members shall be members of the governing authority of the City of Clarkston.

(b) The members provided for in subsection (a) of this section shall be appointed as follows:

(1) The mayor of the City of Clarkston shall appoint two nonelected members, one of whom shall be a taxpayer residing in the City of Clarkston or a taxpayer residing in DeKalb County who owns or operates a business located within the city's downtown development area;

(2) The governing authority of the City of Clarkston shall, by a majority of a quorum, appoint two nonelected members, one of whom shall be a taxpayer residing in the City of Clarkston or a taxpayer residing in DeKalb County who owns or operates a business located within the city's downtown development area; and



(3) The governing authority of the City of Clarkston shall, by a majority of a quorum, appoint three members of such governing authority who shall serve as members of the board of the authority.

(c) Terms of office of members of the authority shall be for four years and until their successors are appointed and qualified, except that one of the initial members appointed by the mayor of the City of Clarkston and one of the initial members appointed by the governing authority of the City of Clarkston shall serve initial terms of office of two years and until their successors are appointed and qualified. Thereafter, terms of office of all members of the authority shall be for four years and until their successors are appointed and qualified. Any vacancy of office shall be filled in like manner as the original appointment, and the person appointed to fill such vacancy shall serve for the remainder of the unexpired term and until a successor is appointed and qualified.

(d) No member of the authority shall be disqualified from serving on the authority because of any pecuniary interest in a project as defined in Section 2 of this Act, but the fact of such interest shall be disclosed by such member and recorded on the minutes of the authority. The member shall abstain from voting on any project in which he or she has such pecuniary interest.

(e) The members of the authority shall elect from their membership officers to serve terms to be determined by a subsequent organizing resolution adopted by the board, and such officers shall include a chairperson, vice chairperson, and secretary-treasurer.

#### SECTION 5.

Development area; change of boundaries.

The development area defined in this Act shall be all of that tract or parcel of land located in the City of Clarkston Georgia.

#### SECTION 6.

Revenue bonds.

Revenue bonds, notes, or other obligations issued by an authority shall be paid solely from the property (including but not limited to real property, fixtures, personal property, revenues, or other funds) pledged, mortgaged, conveyed, assigned, hypothecated, or otherwise encumbered to secure or to pay such bonds, notes, or other obligations. All revenue bonds, notes, and other obligations shall be authorized by resolution of the authority and adopted by a majority vote of the directors of the authority at a regular or special meeting. Such revenue bonds, notes, or other obligations shall bear such date or dates; shall mature at such

time or times not more than 40 years from their respective dates; shall bear interest at such rate or rates (which may be fixed or may fluctuate or otherwise change from time to time); shall be subject to redemption on such terms; and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the authority authorizing the issuance of such revenue bonds, notes, or other obligations shall bind the directors of the authority then in office and their successors. The authority shall have power from time to time and whenever it deems expedient to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted under this Act. The refunding bonds may be exchanged for the bonds to be refunded with such cash adjustments as may be agreed upon or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded. There shall be no limitation upon the amount of revenue bonds, notes, or other obligations which the authority may issue. Any limitations with respect to interest rates or any maximum interest rate or rates found in the Revenue Bond Law (Ga. L. 1937, p. 761), as now or hereafter amended, the usury laws of the State of Georgia, or any other laws of the State of Georgia shall not apply to revenue bonds, notes, or other obligations of an authority.

#### SECTION 7.

Provisions and obligations; limitations and procedures.

- (a) Subject to the limitations and procedures provided by this section, the agreements or instruments executed by the authority may contain such provisions not inconsistent with law as shall be determined by the board of directors of the authority.
- (b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by the authority shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted in this Act, all or part of the cost of any project or for the purpose of refunding any bonds, notes, or other obligations issued in accordance with the provisions of this Act.
- (c) Issuance by an authority of one or more series of bonds, notes, or other obligations for one or more purposes shall not preclude it from issuing other bonds, notes, or other obligations in connection with the same project or with any other projects, but the proceeding wherein any subsequent bonds, notes, or other obligations shall be issued shall recognize and protect any prior agreement, mortgage, deed to secure debt, trust deed, security agreement, or other agreement or instrument made for any prior issue of bonds, notes, or other obligations unless in the resolution authorizing such prior issue the right is expressly

reserved to the authority to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.

(d) The authority shall have the power and is authorized, whenever bonds of the authority shall have been validated as provided in this Act, to issue from time to time its notes in anticipation of such bonds as validated and to renew from time to time any such notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The authority may issue such bond anticipation notes only to provide funds which would otherwise be provided by the issuance of the bonds as validated. Such notes may be authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds, the authority may sell such notes at public or private sale. Any resolution or resolutions authorizing notes of the authority or any issue thereof may contain any provisions which the authority is authorized to include in any resolution or resolutions authorizing bonds of the authority or any issue thereof, and the authority may include in any notes any terms, covenants, or conditions which the authority is authorized to include in any bonds. Validation of such bonds shall be a condition precedent to the issuance of such notes, but it shall not be required that such notes be judicially validated. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation of which they are to be issued.

(e) All bonds issued by the authority under this Act shall be issued and validated under and in accordance with the Revenue Bond Law, as heretofore and hereafter amended, except as provided in this Act, provided that notes and other obligations of the authority may, but shall not be required to, be so validated.

(f) Bonds issued by an authority may be in such form, either coupon or fully registered or both, and may be subject to exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.

(g) Bonds shall bear a certificate of validation. The signature of the clerk of the superior court of the judicial circuit in which the issuing authority is located may be made on the certificate of validation of such bonds by facsimile or by manual execution stating the date on which such bonds were validated, and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state.

(h) In lieu of specifying the rate or rates of interest which bonds to be issued by an authority are to bear, the notice to the district attorney or Attorney General; the notice to the public of the time, place, and date of the validation hearing; and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest (which may be fixed or may fluctuate or otherwise change from time to time) specified in such notices and petition and complaint or that, in the

event the bonds are to bear different rates of interest for different maturity dates, that none of such rates will exceed the maximum rate (which may be fixed or may fluctuate or otherwise change from time to time) so specified; provided, however, that nothing contained herein shall be construed as prohibiting or restricting the right of the authority to sell such bonds at a discount, even if in doing so the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.

#### SECTION 8.

Purpose and declaration of need.

The revitalization and redevelopment of the development area as defined in this Act develop and promote trade, commerce, industry, and employment opportunities for the public good and general welfare and promote the general welfare of the state by creating a climate favorable to the location of new industry, trade, and commerce and the development of existing industry, trade, and commerce within the City of Clarkston and the State of Georgia. Revitalization and redevelopment of the development area by financing projects under the Act will develop and promote, for the public good and general welfare, trade, commerce, industry, and employment opportunities and will promote the general welfare of the state. It is therefore in the public interest and is vital to the public welfare of the people of Georgia, and it is declared to be the public purpose of this Act to so revitalize and redevelop the development area. No bonds, notes, or other obligations (except refunding bonds) shall be issued by the authority hereunder unless its board of directors adopts a resolution finding that the project for which such bonds, notes, or other obligations are to be issued will promote the foregoing objectives.

#### SECTION 9.

Construction of Act.

The provisions of this Act shall be liberally construed to effect the purpose hereof. The offer, sale, or issuance of bonds, notes, or other obligations by any authority shall not be subject to regulation under Georgia laws regulating the sale of securities, as heretofore and hereafter amended. No notice, proceeding, or publication except those required by this Act shall be necessary to the performance of any act authorized by this Act nor shall any such act be subject to referendum.

**SECTION 10.**

Bonds, notes, and other obligations not to constitute public debt.

No bonds, notes, or other obligations of and no indebtedness incurred by the authority shall constitute an indebtedness or obligation of the State of Georgia or any county, municipal corporation, or political subdivision thereof nor shall any act of the authority in any manner constitute or result in the creation of an indebtedness of the state or any such county, municipal corporation, or political subdivision. No holder or holders of any such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state or any county, municipal corporation, or political subdivision thereof or to enforce the payment thereof against the state or any such county, municipal corporation, or political subdivision.

**SECTION 11.**

Constitutional authority for Act; tax exemption of authorities.

(a) This Act is enacted pursuant to Article IX, Section VI, Paragraph III of the Constitution of Georgia.

(b) The obligations, properties, activities, and income of the authority shall be subject to such tax exemptions as may be provided by general law.

**SECTION 12.**

Effect on other authorities.

This Act shall not affect any other authority now or hereafter existing under general or local constitutional amendment or general or local law.

**SECTION 13.**

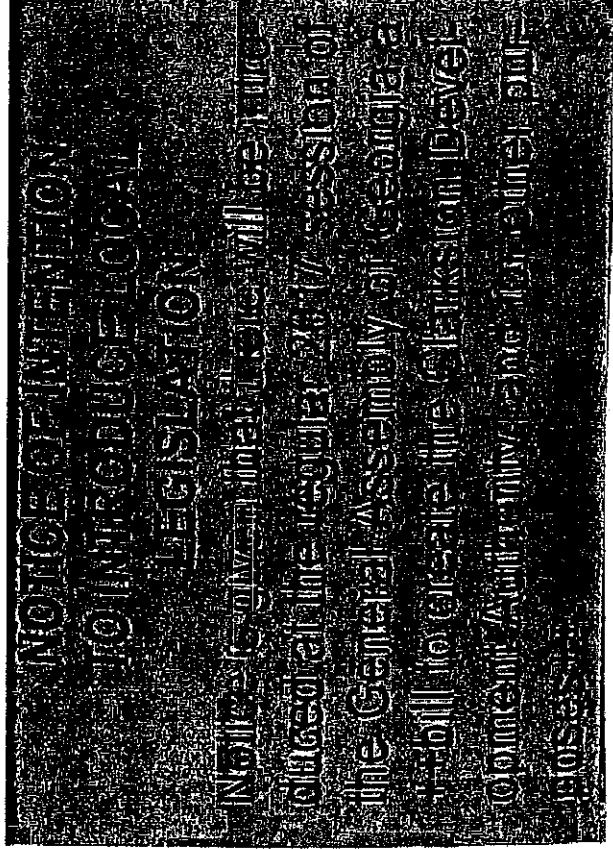
Repealer.

All laws and parts of laws in conflict with this Act are repealed.

APPROVED

MAY 8-2 2017

BY GOVERNOR



**AFFIDAVIT**

GEORGIA, FULTON COUNTY

I, Karla Drenner, Representative from District 85, state on oath as follows:

- (1) I am the author of the local bill to which this affidavit is attached.
- (2) In accordance with O.C.G.A. § 28-1-14, the notice requirements for the local bill to which this affidavit is attached have been satisfied, including but not limited to the following:
  - (A) The Notice of Intention to Introduce Local Legislation which is attached to such local bill was published in the Champion, which is the official organ of DeKalb County, on the 23rd of February in the year 2017; and
  - (B) If the local bill amends the charter of a municipality or the enabling Act of the governing authority of a county or consolidated government, then a copy of the Notice of Intention to Introduce Local Legislation was mailed, transmitted by facsimile, or otherwise provided to the governing authority of such municipality, county, or consolidated government.
- (i) During the calendar week in which the Notice was published in the official organ; or
- (ii) During the seven days immediately following the date of publication of such Notice.

s/ Karla Drenner  
Affiant

Sworn to and subscribed at the  
State Capitol in Atlanta, Georgia,  
This 3rd of March, 2017,  
Before me:

s/ Jennifer Burgess  
Jennifer Burgess  
Notary Public, Fulton County, Georgia  
My Commission Expires December 29, 2018  
[SEAL]

