New Business #21

COUNTY AGENDA REQUEST

Department:	Legal	Presenter(s):	County Attorney Dennis Davenport
Meeting Date:	Thursday, January 23, 2014	Type of Request:	New Business

Wording for the Agenda:

Consideration of staff's request to adopt Resolution 2014-03 requesting the Georgia General Assembly to pass a local act amending the enabling legislation of the Public Facilities Authority in order to permit the Authority to issue revenue bonds for Stormwater Management projects.

Background/History/Details:

The Fayette County Public Facilities Authority was created by the General Assembly of Georgia pursuant to Act No. 869 of the 1978 session. The Act authorized the Authority to acquire, construct, equip, maintain, and operate buildings and the usual convenient facilities appertaining to such undertakings, and extension and improvements of such facilities, and extensions and improvements of such facilities to acquire parking facilities and parking areas in connection therewith, to acquire the necessary property therefore, both real and personal, and to lease or sell any or all such facilities including real property.

Resolution 2014-03 is the Fayette County Board of Commissioners request that the General Assembly amend said Act to authorize the Authority to acquire, construct, equip, maintain, and operate facilities as part of the County's Stormwater Management system, thus authorizing the Authority to issue revenue bonds for the acquisition, construction, equipping, maintenance, and operation of the same.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to adopt Resolution 2014-03 requesting the Georgia General Assembly to pass a local act amending the enabling legislation of the Public Facilities Authority in order to permit the Authority to issue revenue bonds for Stormwater Management projects.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

RESOLUTION

NO. 2014-03

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA; TO AMEND THE ENABLING LEGISLATION OF THE FAYETTE COUNTY PUBLIC FACILITIES AUTHORITY; TO REQUEST THE GENERAL ASSEMBLY FOR THE STATE OF GEORGIA TO PASS A LOCAL ACT PROVIDING FOR THE AFOREMENTIONED AMENDMENT; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

WHEREAS, the Board of Commissioners for Fayette County, Georgia (the "County") is the duly elected governing authority for the County; and

WHEREAS, the Fayette County Public Facilities Authority (the "Authority") was created by the General Assembly of Georgia pursuant to Act No. 869 of the 1978 session (Ga. L. 1978, pg. 3377, hereinafter the "Act"); and

WHEREAS, said Act authorized the Authority to acquire, construct, equip, maintain and operate buildings and the usual and convenient facilities appertaining to such undertakings, and extensions and improvements of such facilities, and extensions and improvements of such facilities, to acquire parking facilities and parking areas in connection therewith, to acquire the necessary property therefor, both real and personal, and to lease or sell any or all such facilities, including real property; and

WHEREAS, the Board of Commissioners for Fayette County now request that the General Assembly amend said Act to authorize the Authority to acquire, construct, equip, maintain and operate facilities as part of the County's stormwater management system, thus authorizing the Authority to issue revenue bonds for the acquisition, construction, equipping, maintenance and operation of the same.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners hereby request that the General Assembly adopt local legislation to amend the enabling legislation of the Fayette County Public Facilities Authority as follows:

Section 1. By adding a new sentence to the end of Subsection (b) of Section 3 of the enabling legislation, to be read as follows:

In addition, the word "project" shall be deemed to mean and include the acquisition, construction, equipping, maintenance and operation of facilities constituting a stormwater management system.

Section 2. By adding a new Subsection (f) to Section 3 of said enabling legislation, to be numbered and read as follows:

(f) The term "stormwater management system" shall mean the structural and nonstructural stormwater drainage systems, facilities, operations and programs that address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention and treatment of stormwater or surface water drainage.

Section 3. By adding a new sentence to the end of Section 23 of the enabling legislation, to be read as follows:

In addition, the general purpose of the Authority shall include that of acquiring, constructing, equipping, maintaining and operating facilities constituting a stormwater management system.

SO RESOLVED this ____ day of _____, 2014.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

By:_____
Steve Brown, Chairman

(SEAL)

ATTEST:

_____
Floyd Jones, County Clerk

Approved as to form:

_____
County Attorney