

STATE OF GEORGIA

COUNTY OF CLAYTON

RESOLUTION NO. 2021 – 133

A resolution adopting a Moratorium on the appointment to board and authority positions for Commissioner District 1 through and including October 1, 2021; to adopt an effective date of this resolution; and for other purposes.

WHEREAS, the Clayton County Board of Commissioners (“the Board”) has been vested with substantial powers, rights and functions to generally regulate the practice, conduct or use of property for the purposes of maintaining health, morals, safety, security, peace, and the general welfare of the County; and

WHEREAS, the Courts take judicial notice of a local government's inherent ability to impose moratoria on an emergency basis; and

WHEREAS, the Board finds that the interests of the public necessitate the enactment of a moratorium for health, safety, morals and general welfare purposes by means which are reasonable and not unduly oppressive; and

WHEREAS, the Board finds that commissioners in each district have direct knowledge of the desires of the community as well as the desires of any applicant and can balance these interests in deciding who to appoint to various boards and authorities to address concerns for citizens in that district; and

WHEREAS, Sec. 2-2 of the Code of Clayton County divides Clayton County into four commissioner districts; and

WHEREAS, Sec. 2-2(b)(1) of the Code of Clayton County defines the boundaries of Commissioner District 1; and

WHEREAS, there is a vacancy in Commissioner District 1 of a commissioner representing the direct interests of citizens in Commissioner District 1 due to the passing of Commissioner Sonna Singleton Gregory; and

WHEREAS, the Board finds that the absence of a commissioner directly representing the interests of Commissioner District 1 in board and authority appointments may result in substantial disorder, detriment and irreparable harm to the citizens, businesses and Clayton County if the structural makeup of boards and authorities changed prior to the election of a representative able to vet and balance the interests of the community prior to the appointment of a person to a board or authority; and

WHEREAS, the Board of Commissioners has adopted a policy of allowing commissioners in each district to appoint one member to a board or authority for boards or authorities exceeding five (5) members in total; and

WHEREAS, the Board of Commissioners further finds that the vacancy in Commissioner District 1 mandates that board and authority appointments should be held pending the election of a representative in Commissioner District 1; and

WHEREAS, the Board deems it in the County's best interest and the objectives provided herein can be best served by adopting this Resolution to provide that the above referenced activity be suspended through and including October 1, 2021.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF
CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

SECTION 1. Findings of Fact

The Board of Commissioners hereby makes the following findings of fact:

(a) The Board of Commissioners finds that direct representation by a commissioner in Commissioner District 1 of Clayton County as codified in Sec. 2-2(b)(1) of the Code of Clayton County is paramount to protect the interests of citizens and the County and that a commissioner's input is critical to what person best represents the interests of the District when appointed to a board or authority.

(b) The Board of Commissioners finds that substantial disorder, detriment and irreparable harm would result to the citizens, businesses and Clayton County if members

were appointed to boards and authorities prior to the election of a representative in Commissioner District 1.

(c) The Board of Commissioners finds that it is in the best interests of the public to ensure that the ability to recommend appointees to boards and authorities by the person representing Commissioner District 1 is protected until such time that the election takes place.

(d) The Board of Commissioners finds that it is also necessary and in the public interest to delay, for a reasonable period of time, the appointments to any boards or authorities that would fall within the recommendation purview of Commissioner District 1 until such time that a person is elected to represent the citizens of that District. Any board or authority member appointed by Commissioner Sonna Singleton Gregory whose term expires prior to the expiration of this Moratorium shall remain appointed to the board or authority upon which they sit until such time that the person elected to represent the citizens of Commissioner District 1 appoints a replacement to said board or authority.

SECTION 2. Imposition of Moratorium

(a) There is hereby imposed a Moratorium on the appointment by the County of all Board and Authority members whose appointment would be recommended by the representative of Commissioner District 1 as defined by Sec. 2-2(b)(1) of the Code of Clayton County and as shown on the Official Zoning Map as defined by Sec. 1.5 of the Zoning Ordinance (adopted herein by reference);

(b) The duration of the Moratorium shall be until October 1, 2021.

SECTION 3. Severability

It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses and phrases of this Resolution are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable and

constitutional. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase therein. It is hereby further declared to be the intention of the Board of Commissioners to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution. In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Resolution shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. All Resolutions or parts of Resolutions in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

SECTION 5. The preamble of this Resolution shall be considered to be and is hereby incorporated by reference as if fully set out herein.

SECTION 6. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this 15 day of June, 2021.

CLAYTON COUNTY BOARD OF COMMISSIONERS


JEFFREY E. TURNER, CHAIRMAN


GAIL HAMBRICK, VICE-CHAIR


FELICIA FRANKLIN, COMMISSIONER


DEMONT DAVIS, COMMISSIONER

(vacant)
DISTRICT 1 COMMISSIONER

ATTEST:


BRENDA B. JAMES, CLERK