

Senate Bill 4

By: Senators Gooch of the 51st, Williams of the 19th, Mullis of the 53rd, Orrock of the 36th,
Ginn of the 47th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to provide for the priority of certain liens regarding assessments for downtown
3 development authorities; to provide for the use of surface transportation projects in urban
4 redevelopment areas; to provide for definitions; to provide for public contracts with private
5 enterprises for the completion of surface transportation projects; to provide for methods of
6 procurement for surface transportation projects in urban redevelopment areas; to provide for
7 utility relocation costs associated with certain surface transportation projects; to provide for
8 limitations on former public employees when negotiating contracts for surface transportation
9 projects; to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating
10 to the Department of Community Affairs, so as to provide for the formation of a metropolitan
11 planning process for the Atlanta Urbanized Area and Atlanta Air Quality region; to provide
12 for related matters; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 style="text-align:center">**SECTION 1.**

15 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
16 by adding a new Code section to Chapter 42, relating to downtown development authorities,
17 to read as follows:

18 "36-42-17.

19 A lien for any assessment under Code Section 36-42-16 that relates to any project under
20 subparagraph (B) of paragraph (6) of Code Section 36-42-3 shall have the same priority as
21 municipal liens under paragraph (4) of subsection (b) and subparagraph (g)(2)(B) of Code
22 Section 48-2-56."

23 **SECTION 2.**

24 Said title is further amended by revising paragraphs (17) and (19) through (22) and adding
 25 two new paragraphs to Code Section 36-61-2, relating to definitions relative to urban
 26 redevelopment for counties and municipal corporations, as follows:

27 "(17) 'Rehabilitation' or 'conservation' may include the restoration and redevelopment of
 28 a slum area or portion thereof, in accordance with an urban redevelopment plan, by:

29 (A) Carrying out plans for a program of voluntary or compulsory repair and
 30 rehabilitation of buildings or other improvements;

31 (B) Acquisition of real property and rehabilitation or demolition and removal of
 32 buildings and improvements thereon where necessary to eliminate unhealthful,
 33 unsanitary, or unsafe conditions, to lessen or increase density, to reduce traffic hazards,
 34 to eliminate obsolete or other uses detrimental to the public welfare, to otherwise
 35 remove or prevent the spread of slums or deterioration, or to provide land for needed
 36 public facilities or improvements, including, but not limited to, surface transportation
 37 projects;

38 (C) Installation, construction, or reconstruction of streets, transit facilities and
 39 improvements, sidewalks, streetscapes, trails, bicycle facilities, utilities, parks,
 40 playgrounds, and other improvements necessary for carrying out in the area the urban
 41 redevelopment provisions of this chapter; and

42 (D) The disposition of any property acquired in such urban redevelopment area,
 43 including sale, initial leasing or retention by the municipality or county itself, at its fair
 44 value for uses in accordance with the urban redevelopment plan."

45 "(19) 'Slum clearance and redevelopment' may include:

46 (A) Acquisition of a slum area or portion thereof;

47 (B) Rehabilitation or demolition and removal of buildings and improvements;

48 (C) Installation, construction, or reconstruction of streets, transit facilities, sidewalks,
 49 streetscapes, trails, bicycle facilities, utilities, parks, playgrounds, and other public
 50 facilities and improvements necessary for carrying out in the area the urban
 51 redevelopment provisions of this chapter in accordance with the urban redevelopment
 52 plan; and

53 (D) Making the land available for development or redevelopment by private enterprise
 54 or public agencies (including sale, initial leasing, or retention by the municipality or
 55 county itself) at its fair value for uses in accordance with the urban redevelopment plan.

56 (20) 'Sponsoring local government' means the municipality or county which approves
 57 and is, directly or indirectly, providing the greatest percentage of the public funding,
 58 exclusive of federal funding, for a surface transportation project.

59 (21) 'Surface transportation project' means a project for public improvement and any
 60 related public facilities which is planned to impact 10,000 or more acres and at least ten
 61 transit miles within the area of operation of the sponsoring local government, including
 62 any related facilities, systems, parks, trails, streets, greenspace, and any other integrated
 63 public or private development features included within any adopted infrastructure or
 64 transportation plan, urban redevelopment plan, strategic implementation plan,
 65 redevelopment plan, workable programs, or comprehensive plans; provided that the
 66 location of such surface transportation project is wholly within a county or counties that
 67 have approved a referendum pursuant to Section 24 of an Act creating the Metropolitan
 68 Atlanta Rapid Transit Authority, approved March 10, 1965 (Ga. L. 1965, p. 2243), as
 69 amended; and provided, further, that the project is within one-half mile of a
 70 transportation/communications/utilities corridor, which has been designated by the local
 71 governing body on or before January 1, 2015, or within the boundaries of a tax allocation
 72 district authorized under the provisions of Chapter 44 of this title in effect as of January
 73 1, 2015.

74 (22) 'Urban redevelopment area' means a slum area which the local governing body
 75 designates as appropriate for an urban redevelopment project.

76 ~~(21)~~(23) 'Urban redevelopment plan' means a plan, as it exists from time to time, for an
 77 urban redevelopment project, which plan shall:

78 (A) Conform to the general plan for the municipality or county as a whole; and

79 (B) Be sufficiently complete to indicate such land acquisition, demolition and removal
 80 of structures, redevelopment, improvements, and rehabilitation as may be proposed to
 81 be carried out in the urban redevelopment area; zoning and planning changes, if any;
 82 land uses; maximum densities; building requirements; and the plan's relationship to
 83 definite local objectives respecting appropriate land uses, improved traffic, public
 84 transportation, public utilities, recreational and community facilities, and other public
 85 improvements.

86 ~~(22)~~(24) 'Urban redevelopment project' may include undertakings or activities of a
 87 municipality or county in an urban redevelopment area for the elimination and for the
 88 prevention of the development or spread of slums and may involve slum clearance and
 89 redevelopment in an urban redevelopment area, rehabilitation or conservation in an urban
 90 redevelopment area, the implementation of public improvements, including, but not
 91 limited to, surface transportation projects, or any combination or part thereof, in
 92 accordance with an urban redevelopment plan. Although the power of eminent domain
 93 may not be exercised for such the following purposes, such undertakings or activities may
 94 include:

95 (A) Acquisition, without regard to any requirement that the area be a slum or blighted
 96 area, of air rights in an area consisting of lands and highways, railway or subway tracks,
 97 bridge or tunnel entrances, or other similar facilities which have a blighting influence
 98 on the surrounding area and over which air rights sites are to be developed for the
 99 elimination of such blighting influences and for the provision of housing and related
 100 facilities and uses designed for, and limited primarily to, families and individuals of low
 101 or moderate income; and

102 (B) Construction of foundations and platforms necessary for the provision of air rights
 103 sites of housing and related facilities and uses designed for, and limited primarily to,
 104 families and individuals of low or moderate income or construction of foundations
 105 necessary for the provision of air rights sites for development of nonresidential
 106 facilities."

107 **SECTION 3.**

108 Said title is further amended by revising Code Section 36-61-4, relating to the encouragement
 109 of private enterprise in urban redevelopment, as follows:

110 "36-61-4.

111 (a) A municipality or county, to the greatest extent it determines to be feasible in carrying
 112 out the provisions of this chapter, shall afford maximum opportunity, consistent with the
 113 sound needs of the municipality or county as a whole, to the rehabilitation or
 114 redevelopment of the urban redevelopment area by private enterprise. A municipality or
 115 county shall give consideration to this objective in exercising its powers under this chapter,
 116 including: the formulation of a workable program; the approval of urban redevelopment
 117 plans consistent with the general plan for the municipality or county; the adoption and
 118 enforcement of ordinances as provided for in Code Section 36-61-11; the exercise of its
 119 zoning powers; the enforcement of other laws, codes, and regulations relating to the use of
 120 land and the use and occupancy of buildings and improvements; the disposition of any
 121 property acquired; and the provision of necessary public improvements.

122 (b) Notwithstanding anything in this chapter or other provisions of law to the contrary, and
 123 in order to give effect to the encouragement of private enterprise contemplated in this Code
 124 section, the following shall apply to contracts and agreements for surface transportation
 125 projects entered into pursuant to this chapter:

126 (1) In addition to other methods of procurement authorized by law, the sponsoring local
 127 government, urban redevelopment agency, or other governing body shall be authorized
 128 to utilize the procedures of this chapter to provide for the planning, design, finance,
 129 construction, acquisition, leasing, operation, and maintenance of surface transportation

130 projects. The provisions of this chapter shall be an alternative to such other methods to
131 be exercised at the option of each sponsoring local government or public body;

132 (2) One or more public bodies may participate in the consideration and implementation
133 of a surface transportation project at the discretion of the sponsoring local government.
134 Where more than one public body agrees to participate in the consideration or
135 implementation of a surface transportation project, the participants may designate one or
136 more representatives of each such participating public body, as agreed to by the
137 sponsoring local government or the urban redevelopment agency;

138 (3)(A) An urban redevelopment agency designated by the sponsoring local government
139 may evaluate a project to determine the appropriate or desirable levels of public and
140 private participation in planning, designing, financing, constructing, operating,
141 maintaining, or facilitating, or any combination thereof, for the execution of such
142 project. Such urban redevelopment agency may designate a public nonprofit, private
143 corporation, body, or entity to perform this function and to otherwise perform the
144 activities contemplated in this Code section.

145 (B) A sponsoring local government or an urban redevelopment agency shall be
146 authorized to issue, individually or in sequenced stages, written requests for expressions
147 of interest, qualifications, or proposals, or any combination thereof, or other similar
148 methods of procurement or solicitation. Such requests shall indicate the scope of the
149 project, the proposed public and private financial participation in the project, including,
150 but not limited to, the rights, responsibilities, obligations, revenue sharing features, any
151 lease, license, availability or other payment rights, and any other allocations of interests
152 and federal and state income tax benefits in respect of real and personal property
153 relating to a project. Such requests shall include the factors to be used in evaluating
154 responses, the relative importance of any applicable evaluation factors, and other
155 contractual terms and conditions expected, including any unique capabilities or
156 qualifications that will be required of respondents, as determined in the sole discretion
157 of the designated representative of the sponsoring local government. Public notice of
158 such requests shall be made at least 30 days prior to the date set for the release of said
159 request by posting a legal notice on the websites and weekly in the legal organ of the
160 sponsoring local government and the public body implementing the project, in
161 substantially the same manner utilized by such public bodies in order to solicit requests
162 for proposals, with a copy of such notice provided simultaneously to each affected
163 public body.

164 (C)(i) The public body implementing the project and the sponsoring local
165 government, with the participation of any designated representatives of other
166 participating public bodies as determined by the sponsoring local government, may

167 engage in individual discussions and interviews with each respondent deemed fully
168 qualified, responsible, and suitable on the basis of initial responses and with emphasis
169 on professional competence and ability to meet the level of private financial
170 participation as called for in such request. Repetitive interviews may be conducted.
171 Any such interviews shall be deemed to be a part of the procurement process.

172 (ii)(I) At the conclusion of the final stage, on the basis of evaluation factors
173 published in the request and all information developed in the selection process, the
174 public body implementing the surface transportation project, in an open and public
175 meeting subject to the provisions of Chapter 14 of Title 50, shall rank the proposals
176 in accordance with the factors set forth in the request for proposal or invitation for
177 bids.

178 (II) After ranking the proposals, the public body implementing the project shall
179 begin negotiations with the first ranked private entity. If such public body and first
180 ranked private entity do not reach a comprehensive agreement or interim agreement,
181 such public body may conduct negotiations with the next ranked private entity.
182 Such process shall continue until such public body either voluntarily abandons the
183 process or executes a comprehensive agreement or interim agreement with a private
184 entity. Negotiations conducted with one or more selected respondent pursuant to
185 this Code section shall continue to be deemed an active procurement until the
186 execution of the final, definitive agreement with the selected respondent or
187 respondents.

188 (iii) The public body implementing the project shall select for approval the
189 respondent offering the most satisfactory and advantageous contract terms for the
190 project based upon a thorough assessment of any one or more of the following:
191 experience and reputation with similar projects; engineering and design quality; value;
192 projected savings during, before, or after construction; and the ability of the final
193 project's characteristics to meet the goals of the sponsoring local government,
194 consistent with applicable plans and programs. The fair market value of any property
195 included as a part of the procurement may be based on the consideration of the above
196 factors, but it shall not be less than the initial cost to obtain the property. Before
197 making such selection, the designated representative shall consult in an open and
198 public meeting subject to the provisions of Chapter 14 of Title 50 with the
199 representatives of any participating local governing authority, participating local
200 authority, participating state agency, department, or authority, and affected local
201 government. Notwithstanding the foregoing, if the terms and conditions for multiple
202 awards are included in the request, the implementing public body may award
203 contracts to more than one respondent. Should the implementing public body

204 determine in writing that only one respondent is fully qualified, or that one respondent
 205 is clearly more highly qualified and suitable than the other respondents under
 206 consideration, a contract may be negotiated and awarded to that respondent.

207 (iv) Upon approval of the selection by the implementing public body, a contract or
 208 contracts not exceeding 50 years in duration may be entered into by the urban
 209 redevelopment agency or any one or more of the participating public bodies and the
 210 selected respondent or respondents. The private financial data or financial plans
 211 which qualify as trade secrets pursuant to Code Section 10-1-761 and paragraph (34)
 212 of subsection (a) of Code Section 50-18-72 provided by the respondents shall remain
 213 exempt from Code Section 50-18-72 during and after the conclusion of the related
 214 selection process.

215 (D) A dispute over the award of a contract under this chapter shall be resolved by the
 216 filing of a petition in the superior court of the county in which the sponsoring local
 217 government is located within 30 days of the awarding of such contract and shall be
 218 determined through the use of a special master appointed by the judge of the superior
 219 court of the county in which the sponsoring local government is located. The special
 220 master shall not be authorized to enjoin or otherwise delay or suspend the execution of
 221 the contract and any work to be performed under such contract. The decision of the
 222 special master with regard to such dispute shall be appealable for a de novo review to
 223 the superior court of the county in which the sponsoring local government is located
 224 within 30 days following the decision of the special master.

225 (E) Nothing in this chapter shall require the designated representatives, the sponsoring
 226 local government, the implementing public body, or any participating public body to
 227 continue negotiations or discussions arising out of any request or any other procurement
 228 initiated under the provisions of this Code section.

229 (F) Every public body shall be authorized to promulgate reasonable rules and
 230 regulations to assist in its evaluation of responses and to implement the purposes of this
 231 chapter; provided, however, that unsolicited proposals shall not be permitted;

232 (4) No public officer, employee, or member of any participating public body, with
 233 respect to contracts of such public body, or the General Assembly shall serve as an agent,
 234 lobbyist, or board member for any private entity directly or indirectly under a contract or
 235 negotiating a contract provided for by this chapter for one year after leaving his or her
 236 position as a public officer, employee, or member of the public body or the General
 237 Assembly; and

238 (5) Contracts entered into with a private enterprise in respect to the design, construction,
 239 operation, financing, or management of the public components of a surface transportation
 240 project shall not constitute the acquisition of property for a private use, nor shall such

241 contracts be deemed a sale, lease, or other disposition of the related interests in property
 242 under any provisions of this chapter or other provision of applicable law, and such public
 243 components of a surface transportation project shall be deemed a public use for all
 244 purposes under applicable provisions of law, including, without limitation, Code Sections
 245 36-61-9 and 36-61-10."

246 **SECTION 4.**

247 Said title is further amended by revising Code Section 36-61-6, relating to formulation of a
 248 workable program for urban redevelopment, as follows:

249 "36-61-6.

250 For the purposes of this chapter, a municipality or county may formulate a workable
 251 program for utilizing appropriate private and public resources including those specified in
 252 Code Section 36-61-11, to eliminate and prevent the development or spread of slums, to
 253 encourage needed urban rehabilitation, to provide for the redevelopment of slum areas, or
 254 to undertake such of the aforesaid activities or such other feasible municipal or county
 255 activities as may be suitably employed to achieve the objectives of such workable program.
 256 Such workable program may include, without limitation, provision for the prevention of
 257 the spread of slums into areas of the municipality or county which are free from slums,
 258 through diligent enforcement of housing, zoning, and occupancy controls and standards;
 259 the rehabilitation or conservation of slum areas or portions thereof by replanting, removing
 260 congestion, providing parks, playgrounds, and other public improvements, including
 261 without limitation surface transportation projects, encouraging voluntary rehabilitation, and
 262 compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the
 263 clearance and redevelopment of slum areas or portions thereof."

264 **SECTION 5.**

265 Said title is further amended by revising paragraph (1) of subsection (b) of Code Section
 266 36-61-10, relating to the disposal of property in a redevelopment area, as follows:

267 "(b)(1) A municipality or county may dispose of real property in an urban redevelopment
 268 area to private persons only under such reasonable competitive bidding procedures as it
 269 shall prescribe, ~~or~~ as are provided in this subsection or, solely with respect to and for the
 270 benefit of advancing surface transportation projects, as provided in Code Section 36-61-4.

271 A municipality or county, by public notice by publication once each week for two
 272 consecutive weeks in a newspaper having a general circulation in the community, prior
 273 to the execution of any contract to sell, lease, or otherwise transfer real property and prior
 274 to the delivery of any instrument of conveyance with respect thereto under this Code
 275 section, may invite proposals from and make available all pertinent information to private
 276 redevelopers or any persons interested in undertaking to redevelop or rehabilitate an

277 urban redevelopment area or any part thereof. The notice shall identify the area or
 278 portion thereof and shall state that such further information as is available may be
 279 obtained at such office as shall be designated in the notice. The municipality or county
 280 shall consider all such redevelopment or rehabilitation proposals and the financial and
 281 legal ability of the persons making such proposals to carry them out and may negotiate
 282 with any persons for proposals for the purchase, lease, or other transfer of any real
 283 property acquired by the municipality or county in the urban redevelopment area. The
 284 municipality or county may accept such proposal as it deems to be in the public interest
 285 and in furtherance of the purposes of this chapter. The municipality or county may
 286 execute contracts in accordance with subsection (a) of this Code section and deliver
 287 deeds, leases, and other instruments and take all steps necessary to effectuate such
 288 contracts."

289

SECTION 6.

290 Said title is further amended by revising Code Section 36-61-12, relating to the issuance of
 291 bonds for urban redevelopment projects, as follows:

292 "36-61-12.

293 (a) A municipality or county shall have power to issue bonds, in its discretion, from time
 294 to time, to finance the undertaking of any urban redevelopment project under this chapter,
 295 including, without limiting the generality thereof, the payment of principal and interest
 296 upon any advances for surveys and plans for urban redevelopment projects and shall also
 297 have power to issue refunding bonds for the payment of retirement of such bonds
 298 previously issued by it. Such bonds shall be made payable, as to both principal and
 299 interest, solely from the income, proceeds, revenues, and funds of the municipality or
 300 county derived from or held in connection with its undertaking and carrying out of urban
 301 redevelopment projects under this chapter; provided, however, that payment of such bonds,
 302 both as to principal and interest, may be further secured by a pledge of any loan, grant, or
 303 contribution from the federal government or other source, in aid of any urban
 304 redevelopment projects of the municipality or county under this chapter, and by a mortgage
 305 of any such urban redevelopment projects or any part thereof, title to which is in the
 306 municipality ~~or~~ county, or redevelopment agency.

307 (b) Bonds issued under this Code section shall not constitute an indebtedness within the
 308 meaning of any constitutional or statutory debt limitation or restriction and shall not be
 309 subject to the provisions of any other law or charter relating to the authorization, issuance,
 310 or sale of bonds. Bonds issued under this chapter are declared to be issued for an essential
 311 public and governmental purpose and, together with interest thereon and income therefrom,
 312 shall be exempted from all taxes.

313 (c) Bonds issued under this Code section shall be authorized by resolution or ordinance
 314 of the local governing body. They may be issued in one or more series and shall bear such
 315 date or dates, be payable upon demand or mature at such time or times, bear interest at such
 316 rate or rates, be in such denomination or denominations, be in such form either coupon or
 317 registered, carry such conversion or registration privileges, have such rank or priority, be
 318 executed in such manner, be payable in such medium of payment, at such place or places,
 319 be subject to such terms of redemption (with or without premium), be secured in such
 320 manner, and have such other characteristics as may be provided by the resolution of the
 321 local governing body or by the trust indenture or mortgage issued pursuant thereto.

322 ~~(d) Such bonds may be sold at not less than par at public sales held after notice published~~
 323 ~~prior to such sales in a newspaper having a general circulation in the area of operation and~~
 324 ~~in such other medium of publication as the municipality or county may determine or may~~
 325 ~~be exchanged for other bonds on the basis of par. Such bonds may be sold to the federal~~
 326 ~~government or to an institution insured by an agency of the federal government at private~~
 327 ~~sale at not less than par and, in the event that less than all of the authorized principal~~
 328 ~~amount of such bonds is sold to the federal government or to an institution insured by an~~
 329 ~~agency of the federal government, the balance may be sold at private sale at not less than~~
 330 ~~par at an interest cost to the municipality or county, such cost not to exceed the interest cost~~
 331 ~~to the municipality or county of the portion of the bonds sold to the federal government or~~
 332 ~~to an institution insured by an agency of the federal government. All revenue bonds, but~~
 333 ~~not notes or other obligations, issued under this Code section shall be issued and validated~~
 334 ~~under and in accordance with the procedure set forth in Article 3 of Chapter 82 of this title.~~
 335 ~~The provisions of any resolution or ordinance authorizing the issuance of bonds under this~~
 336 ~~Code section shall be a contract with every holder of such bonds and enforceable by any~~
 337 ~~bondholder by mandamus or other appropriate action or proceeding at law or in equity.~~

338 (e) If any of the public officials of the municipality or county whose signatures appear on
 339 any bonds or coupons issued under this chapter cease to be such officials before the
 340 delivery of the bonds, such signatures, nevertheless, shall be valid and sufficient for all
 341 purposes, the same as if the officials had remained in office until the delivery. Any
 342 provision of any law to the contrary notwithstanding, any bonds issued pursuant to this
 343 chapter shall be fully negotiable.

344 (f) In any suit, action, or proceeding involving the validity or enforceability of any bond
 345 issued under this chapter or the security therefor, any such bond reciting in substance that
 346 it has been issued by the municipality or county in connection with an urban redevelopment
 347 project, as defined in paragraph ~~(22)~~(24) of Code Section 36-61-2, shall be conclusively
 348 deemed to have been issued for such purpose and such project shall be conclusively
 349 deemed to have been planned, located, and carried out in accordance with this chapter.

350 (g) Any urban redevelopment agency or housing authority which a municipality or county
 351 has elected to exercise powers under Code Section 36-61-17 may also issue bonds, as
 352 provided in this Code section, in the same manner as a municipality or county, except that
 353 such bonds shall be authorized and the terms and conditions thereof shall be prescribed by
 354 the commissioners of such urban redevelopment agency or housing authority in lieu of the
 355 local governing body."

356 **SECTION 7.**

357 Said title is further amended by revising subsection (b) of Code Section 36-61-14, related to
 358 property exempt from taxes and from levy and sale by virtue of an execution, as follows:

359 "(b) The property of a municipality, ~~or county,~~ or any other public body, acquired or held
 360 for the purpose of this chapter, is declared to be public property used for essential public
 361 and governmental purposes and such property shall be exempt from all taxes of the
 362 municipality, the county, the state, or any political subdivision thereof. Such tax exemption
 363 shall terminate when the municipality or county sells, leases, or otherwise disposes of
 364 property in an urban redevelopment area to a purchaser or lessee who or which is not a
 365 public body."

366 **SECTION 8.**

367 Said title is further amended by revising subsection (a) of Code Section 36-61-16, relating
 368 to cooperation by public bodies, as follows:

369 "(a) For the purpose of aiding in the planning, undertaking, or carrying out of an urban
 370 redevelopment project located within the area in which it is authorized to act, any public
 371 body, upon such terms, with or without consideration, as it may determine, may:

372 (1) Dedicate, sell, convey, or lease any of its interest in any property or grant easements,
 373 licenses, or other rights or privileges therein to a municipality or county;

374 (2) Incur the entire expense of any public improvements made by such public body in
 375 exercising the powers granted in this Code section;

376 (3) Do any and all things necessary to aid or cooperate in the planning or carrying out
 377 of an urban redevelopment plan;

378 (4) Lend, grant, or contribute funds to a municipality or county;

379 (5) Enter into agreements (which may extend over any period, notwithstanding any
 380 provision or rule of law to the contrary) with a municipality or county or other public
 381 body respecting action to be taken pursuant to any of the powers granted by this chapter,
 382 including the furnishing of funds or other assistance in connection with an urban
 383 redevelopment project and other provisions allocating legal responsibility for matters

384 arising under or in connection with transactions entered into pursuant to Code Section
 385 36-61-4; and

386 (6) Cause public buildings and public facilities, including parks, trails, greenspace,
 387 playgrounds, recreational, community, education, transit, water, sewer, or drainage
 388 facilities, or any other works which it is otherwise empowered to undertake, to be
 389 furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan
 390 streets, roads, sidewalks, ways, or other places; plan, replan, zone, or rezone any part of
 391 the public body or make exceptions from building regulations; and cause administrative
 392 and other services to be furnished to the municipality or county.

393 If at any time title to or possession of any urban redevelopment project is held by any
 394 public body or governmental agency, other than the municipality or county, which is
 395 authorized by law to engage in the undertaking, carrying out, or administration of urban
 396 redevelopment projects, including any agency or instrumentality of the United States of
 397 America, the provisions of the agreements referred to in this subsection shall inure to the
 398 benefit of and may be enforced by such public body or governmental agency. As used in
 399 this subsection, the terms 'municipality' and 'county' shall also include an urban
 400 redevelopment agency or a housing authority vested with all of the urban redevelopment
 401 project powers pursuant to Code Section 36-61-17."

402 **SECTION 9.**

403 Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
 404 of Community Affairs, is amended by adding a new article to read as follows:

405 "ARTICLE 12

406 50-8-280.

407 (a) Contiguous local governments within which lie designated portions of the Atlanta
 408 Urbanized Area, as defined in 23 U.S.C. Section 101(a)(37), or air quality nonattainment
 409 areas, as identified under the federal Clean Air Act, 42 U.S.C. Section 7401, et seq., shall
 410 participate in a metropolitan transportation planning process through a metropolitan
 411 planning organization established by one or more units of government, or through a
 412 metropolitan planning process established through their area regional commission.

413 (b) The metropolitan transportation and air quality planning area for each regional
 414 commission established pursuant to Code Section 50-8-32 and metropolitan area planning
 415 and development commission established pursuant to Code Section 50-8-82 shall be
 416 defined by paragraph (1) of subsection (f) of Code Section 50-8-4.

417 (c) Any unit of government that is participating as a limited member of a metropolitan area
418 planning and development commission for transportation purposes and is located outside
419 the planning area defined by paragraph (1) of subsection (f) of Code Section 50-8-4 shall
420 be authorized, on or after July 1, 2015, to designate the local area regional commission to
421 serve as the metropolitan planning organization.

422 (d) Any unit of government that is not participating as a limited member of a metropolitan
423 area planning and development commission for transportation purposes shall continue to
424 perform metropolitan planning in accordance with 23 U.S.C. Section 134.

425 (e) Regional commissions and metropolitan area planning and development commissions
426 shall be provided funding by the appropriate state and regional entities to develop a
427 comprehensive transportation and air quality plan for affected local governments within
428 the Atlanta Urbanized Area as defined by the United States Census Bureau and further
429 defined by paragraph (1) of subsection (f) of Code Section 50-8-4.

430 (f) Each regional commission established pursuant to Code Section 50-8-32 and
431 metropolitan area planning and development commission established pursuant to Code
432 Section 50-8-82 shall establish a policy board that shall govern the transportation and air
433 quality planning process for all affected areas, approve plans, and have equal voting
434 representation from affected local governments.

435 (g) In the event of any conflict between the provisions of law governing metropolitan
436 planning and development commissions and those governing regional commissions, the
437 laws defined in this Code section shall control and shall govern the metropolitan
438 transportation planning area funding and planning responsibilities."

439 **SECTION 10.**

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