03- R -1839

A RESOLUTION BY COUNCIL MEMBER DEBI STARNES

A RESOLUTION TO ADD THE CREATION OF THE METROPOLIATION COMMISSION ON THE HOMELESSNESS, TO THE CITY'S 2004 LEGISLATIVE PACKAGE TO THE STATE OF GEORGIA GENERAL ASSEMBLY.

WHEREAS, the Mayor's Commission on Homelessness has recommended a regional authority, to study and implement needed projects.

AND WHEREAS, the first entities that would work together on the regional issues include the City of Atlanta, Fulton County and Dekalb County

BE IT THEREFORE RESOLVED, that the creation of the Metropolitan Atlanta Commission on Homelessness be supported through the City's 2004 Legislation Package and the State of Georgia General Assembly

G-5

ALTERNATE DRAFT: 9/18/03

METROPOLITAN ATLANTA COMMISSION ON HOMELESSNESS ACT

No. ___ ([House] Bill No. ___).

AN ACT

To create the Metropolitan Atlanta Commission on Homelessness; to provide for a short title; to provide for findings and determinations; to provide for definitions; to provide for the creation of the Commission; to provide for the membership of the Commission; to provide for the organization and meetings of the Commission; to provide the purposes for which the Commission is created; to provide for the provision of services to the homeless; to provide for the powers and duties of the Commission; to provide for the allocation of property after dissolution; to provide that members of the Commission shall be trustees; to provide for certain exemptions from taxation, levy and sale, garnishment, and attachments; to provide the court in which actions against the Commission may be brought; to provide for construction; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Short Title. This Act shall be known and may be cited as the "Metropolitan Atlanta Commission on Homelessness Act."

Section 2. Findings.

(a) It is found, determined, and declared that there are many homeless persons in Metropolitan Atlanta; that the number of homeless persons is increasing; that in many instances, the homeless are victims of circumstances beyond their control and they are in need of effective public and private assistance; that the existing and increasing number of homeless persons necessitates excessive and disproportionate expenditures of public funds for public health and safety, fire and accident protection and other public services and facilities; and that the provision of services for homeless persons is a public use and purpose for which public money may be spent.

(b) It is further found and determined that the citizens of Metropolitan Atlanta are deeply concerned about homeless persons in their community and that a comprehensive approach to providing services and assistance for the homeless in Metropolitan Atlanta and to preventing homelessness in and around such area will best serve the citizens in Metropolitan Atlanta.

(c) Because of the findings and determinations described in subsections (a) and(b) of this section, it is further found that there is a need for the creation of a public authority to develop a comprehensive plan through which public and

private agencies of Metropolitan Atlanta can deal effectively with the problems of the homeless of the community and can work to prevent homelessness. It is further found that such a public authority should cooperate with and assist public and private agencies in implementing and carrying out such comprehensive plan and in providing oversight, evaluation, and coordination of the various programs and activities of such comprehensive plan and that such public authority should exercise additional powers and duties as provided in this Act in connection with the development, implementation, and carrying out of such plan.

(d) It is further found, declared, and determined that the creation of the Commission provided for in this Act and the carrying out of its corporate purposes are in all respects valid charitable and public purposes within the provisions of the Constitution of Georgia in that developing more effective methods, programs, and services to deal with the problems of the homeless of Metropolitan Atlanta and preventing homelessness is of vital importance to that community.

Section 3. Definitions. Unless the context clearly requires otherwise, as used in this Act, the term:

(1) "Commission" means the Metropolitan Atlanta Commission on Homelessness created in this Act.

(2) "Homeless" means being without or expecting within 30 days to be without sleeping accommodations which meet health and safety standards and includes such factors as unemployment, underemployment, substance abuse, mental illness, or other conditions as determined by the Commission which cause or contribute to causing the state of being homeless.

(3) "Metropolitan Atlanta" means the territory comprising DeKalb County and Fulton County, including but not limited to the City of Atlanta and any other municipalities located within DeKalb County and Fulton County. For purposes of this legislation, "Metropolitan Atlanta" shall be deemed to include any other county which becomes a member of the Commission as herein provided.

Section 4. Metropolitan Atlanta Commission on Homelessness.

(a) There is created a body corporate and politic to be known as the Metropolitan Atlanta Commission on Homelessness which shall be deemed to be an instrumentality of the state, a public corporation and a public authority, and by that name, style, and title may contract and be contracted with, and sue in all courts and be sued in the Superior Court of DeKalb County and Fulton County, as provided in Section 15 of this Act. The Commission shall have all rights afforded the state by virtue of the Constitution of the United States and nothing in this Act shall constitute a waiver of any such rights. The Commission shall have perpetual existence.

(b) The Commission shall not be deemed to be the State of Georgia or a political subdivision of the state or an agency of the state or of a political subdivision of the state.

Section 5. Membership.

(a) The Commission shall initially be composed of 17 voting and non-voting members as follows:

(1) Two members appointed by the Board of Commissioners of DeKalb County, one of whom shall be the Chief Executive Officer of DeKalb County;

(2) Two members of the Board of Commissioners of Fulton County;

(3) Two members appointed by the Mayor and Council of the City of Atlanta, one of whom shall be the Mayor of the City of Atlanta;

(4) Two members each appointed by the governing authority of any other county in the metropolitan region which by resolution joins the Commission under Section 14 of this Act.

(5)

(6) The Commissioner of the Georgia Department of Human Resources or a designee as a non-voting ex-officio member;

(7) The Commissioner of the Georgia Department of Labor or a designee as a non-voting ex-officio member;

(8) The Commissioner of the Georgia Department of Community Affairs or a designee as a non-voting ex-officio member;

(9) The President of the United Way of Metropolitan Atlanta as a non-voting ex-officio member; and

(10) Four members appointed by a majority vote of the six members appointed pursuant to the provisions of paragraphs (1) through (3) of this subsection. One of the members appointed under this paragraph shall be a homeless person or a person who has been homeless; two of the members shall represent agencies which provide services to the homeless; and one member shall be the leader of a faith-based organization.

(11) One member appointed by each jurisdiction, Atlanta, Fulton and The City of Atlanta, who shall be business leaders in Metropolitan Atlanta.

(b) Members shall be appointed to terms of office of three years each and until their respective successors are appointed and qualified.

(c) Members of the Commission shall receive no compensation for serving on the Commission but may be reimbursed for actual and necessary expenses incurred by them in carrying out their official duties.

(d) The Commission may by a majority vote of its full membership remove any member of the Commission if a member fails to attend the regular meetings of the Commission or if a member otherwise fails to carry out the duties and responsibilities required of members of the Commission. A vacancy created by the removal of a member as provided in this subsection shall be filled for the unexpired term in the same manner that other vacancies are filled.

Section 6. Organization; Meetings.

(a) The Chief Executive Officer of Dekalb County shall convene the Commission members appointed by the City of Atlanta, Fulton County and Dekalb County for the purpose of appointing the remaining members of the Commission. The organizational meeting of the Commission shall be called by the Mayor of the City of Atlanta after all appointments to the Commission have been made. At the organizational meeting, the Commission shall elect from its own membership a chairperson, vice-chairperson, and secretary-treasurer. The chairperson shall not be an elected official. The terms of office of such officers and all other matters relating to the organization and rules of procedures of the Commission shall be as determined by the Commission, except as otherwise provided by subsections (b) of this section.

(b) The Commission shall meet not less than four times during each calendar year on the call of the chairperson of the Commission.

(c) The Commission shall prepare and submit to the appointing bodies and officers listed in subsection (a) of Section 5 of this Act and to the members of the General Assembly representing any portion of Metropolitan Atlanta an annual report at

the end of each fiscal year or calendar year of the Commission outlining the work of the Commission and furnishing to such bodies or officers a copy of its most recent annual independent audit of income and expenditures prepared in accordance with the requirements of Section 13 of this Act.

Section 7. Purposes. The Commission is created for the following purposes:

(1) To develop in collaboration with local governments a comprehensive plan for public and private agencies to effectively address the problems of the homeless in Metropolitan Atlanta;

(2) To develop the resources needed to implement the programs and projects identified in the comprehensive plan;

(3) To collect and analyze data that describes the effectiveness, cost, quality, and capacity of the homeless services delivery system and identifies gaps in the continuum of services;

(4) To coordinate, evaluate, and provide administrative services and assistance in implementing and carrying out the comprehensive plan developed by the entity;

(5) To promote uniform basic standards and practices for organizations offering services to homeless people through certification education and training to ensure the integrity and continuity of program;

(6) To develop and disseminate information that will educate the public and civic leaders regarding the causes of homelessness and the programs which can end it; and

(7) To advocate for public policy changes at the local, state, and federal levels that will support the strategies and programs contained in the comprehensive plan.

Section 8. Contracts for Homeless Services. To the extent that a contract entered into pursuant to the provisions of Section 7 of this Act provides therefore, the Commission shall have the power to provide such services for the homeless on behalf of public or private agencies as may be reasonably necessary or desirable to carry out effectively programs and services called for by the comprehensive plan developed by the Commission under paragraph (1) of Section 7 of this Act.

Section 9. Powers and Duties. In addition to any other powers and duties provided for by this Act and in order for the Commission to carry out its

purposes as described in this Act, the Commission shall have the following powers and duties:

(1) To have a seal and alter the same at its pleasure;

(2) To acquire, hold, and dispose of in its own name by purchase, gift, lease, or exchange, on such terms and conditions and in such manner and by such instrument as it may deem proper, real and personal property of every kind, character, and description, but the Commission shall not have the power to acquire any real or personal property by condemnation or eminent domain;

(3) To procure insurance against any loss in connection with its property and other assets of the Commission;

(4) To exercise the power provided by Code Section 45-9-1 of the O.C.G.A. to procure policies of liability insurance or contracts of indemnity or to formulate sound programs of self-insurance to insure or indemnify members of the Commission and its officers and employees against personal liability for damages arising out of the performance of their duties or in any way connected therewith to the extent that such members, officers, or employees are not immune from such liability;

(5) To make contracts and to execute all instruments necessary or convenient in connection therewith, and to contract with any departments, institutions, agencies, counties, municipalities or political subdivisions of the State of Georgia, public corporations and with private legal entities and others upon such terms and for such purposes as may be deemed advisable for a term not exceeding fifty years pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia of 1983;

(6) To adopt, alter, or repeal its owns bylaws, rules, and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed, as the Commission may deem necessary or expedient in facilitating its business;

(7) To create by resolution or through its bylaws such advisory committees or groups of advisors as it deems appropriate to assist or advise the Commission in carrying out its duties or accomplishing the purposes of this Act, such advisory committees or groups to be composed of such service providers or other persons as the Commission shall determine;

(8) To receive, accept, and utilize gifts, grants, donations, or contributions of money, property, facilities, or services, with or without

consideration, from any person, firm, corporation, foundation, or other entity or from the State of Georgia or any agency, instrumentality, or political subdivision thereof or from the United States or any agency or instrumentality thereof;

(9) To accumulate its funds from year to year and to invest accumulated funds in any manner that public funds of the State of Georgia or any of its political subdivisions may be invested;

(10) To the extent that a contract between the Commission and a public or private agency provides therefore, to act as an agent for such public or private agency in any matter coming within the purposes or powers of the Commission;

(11) To select, appoint, and employ professional, administrative, clerical, or other personnel and to contract for professional or other services and to allow suitable compensation for such personnel and services; and

(12) To do all things necessary or convenient to carry out the powers and purposes of the Commission which are expressly provided for in this Act.

Section 10. Property. Should said Commission for any reason be dissolved, title to all property of every kind and nature, real and personal, held by the Commission at the time of such dissolution shall revert to the City of Atlanta, Fulton County and DeKalb County as the Commission shall determine, subject to any mortgages, liens, leases or other encumbrances outstanding against or in respect to said property at that time.

Section 11. Members as Trustees. The members of the Commission shall be accountable in all respects as trustees. The Commission shall keep suitable and proper books and records of all receipts, income, and expenditures of every kind and shall provide for an annual independent audit of income and expenditures.

Section 12. Charitable and Public Functions. Because the Commission will be performing valuable charitable and public functions and purposes in the exercise of the powers conferred upon it, the Commission shall be required to pay no taxes or assessments by the state or by any county, municipality, authority, or political subdivision of the state upon any real or personal property acquired by it or upon its activities in the operation or maintenance of any facility maintained or acquired by it or upon any income received by the Commission. The said property, facilities, and income of the Commission are exempt from levy and sale, garnishment, and attachment. The exemptions from taxation shall not include

exemptions from sales and use taxes on property purchased by the Commission or for use by the Commission.

Section 13. Actions. Any action brought against the Commission shall be brought in the Superior Court of DeKalb County or Fulton County, and such courts shall have exclusive original jurisdiction of such action.

Section 14. Addition of New Counties. By resolution of its governing authority and with the approval of the Commission any county or counties in the area surrounding DeKalb County and Fulton County may be added to the membership of the Commission. Such additional county or counties shall each appoint two new members to the Commission. Any such county shall be added to the definition of Metropolitan Atlanta, as provided in Section 5 of this Act.

Section 15. Liberal Construction. Being for the welfare of the state and its inhabitants, this Act shall be liberally construed to effect the purposes of this Act.

Section 16. Repealer. All laws and parts of laws in conflict with this Act are repealed.

NOTICE OF INTENTION
TO INTRODUCE
LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 2003 session of the General Assembly of Georgia, a bill to create Metropolitan Atlanta Commission on Homelessness and for other purposes.

This ____ day of _____, 2003.

_____
[REPRESENTATIVE]
[House District ____]

* * * * *

GEORGIA, _____

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, _____, who, on oath, deposes and says that he is Representative from the _____ District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the _____ which is the office organ of _____ County, on the following date: _____, 2003.

_____
[Representative], _____ District

Sworn to and subscribed before me,
This ____ day of _____, 2003.

_____
_____
Notary Public, _____ County, Georgia

My Commission expires: _____

[SEAL]

Approved: _____ ____, _____