

**LILBURN DOWNTOWN DEVELOPMENT AUTHORITY
RESOLUTION DDA 2021-1**

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LILBURN DOWNTOWN DEVELOPMENT AUTHORITY (DDA) APPROVING THE MINIMUM REQUIREMENTS FOR POTENTIAL DDA BUSINESS PARTNERS ON REDEVELOPMENT PROJECTS.

WHEREAS, in 1984 and again in 2006, the Mayor and City Council of the City of Lilburn determine, after thorough investigation, that it was desirable and necessary that the Downtown Development Authority of the City be activated, pursuant to the Downtown Development Authorities Law, in order to fulfill the needs as then expressed; and

WHEREAS, in 2009, the Mayor and City Council of the City reaffirmed the present and future need for a Downtown Development Authority and extended said boundaries of the previous downtown development area; and

WHEREAS, the Mayor and City Council resolved that the Board of Directors shall organize itself, carry out its duties and responsibilities, and exercise its powers and prerogatives in accordance with the Downtown Authorities Law as not set forth or amended in the future; and

WHEREAS, the DDA intends to partner with fiscally responsible private developers of good moral character on a number of development and redevelopment opportunities in the redevelopment area; and

WHEREAS, the DDA seeks minimum standards to validate fiscal responsibility and moral character of potential partners.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE DDA that the following policy, Minimum Requirements for Potential DDA Business Partners on Redevelopment Projects, shall be adopted and applied prior to entering into a development agreement or similar contract with a private partner:

The following minimum criteria must be evaluated prior to entering into a development agreement or similar contract with the DDA:

1. Moral character. In this Section, the phrase "good moral character" means the propensity of a person to serve the public in the downtown development area in a fair, honest, and open manner. A judgment of guilt is a criminal prosecution or judgment in civil action shall not be used in and of itself as proof of a person's lack of good moral character. It may be used as evidence in the determination and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that:

- a. At the current time he/she has the ability to, and is likely to, serve the public in a fair, honest, and open manner; and
 - b. He/she is rehabilitated, or that the substance of the former offense is not reasonable related to the redevelopment contract for which he/she seeks.
2. Financial capacity. In this Section, the phrase “financial capacity” refers to the capacity of an individual to manage his/her own financial affairs and make relevant decisions while keeping in mind all possible financial and legal consequences of his/her acts.

A development agreement or similar contract may not be entered into where any of the potential principal partners has been convicted of a felony, or any crime involving theft or fraudulent practices within a period of five years immediately prior to the date of the pending development agreement or similar contract. Each potential principal partner shall, by duly sworn affidavit, certify that the potential principal partner has not been convicted or pled nolo contendere to any crime involving moral turpitude, illegal gambling, or any felony, or any crime involving theft or fraudulent practices. The Lilburn Police Department shall conduct criminal investigation background checks via the Georgia Crime Information Center (GCIC) and/or any other database necessary to validate good moral character. Should any principal partner be convicted or plead guilty to any crime involving moral turpitude, illegal gambling, or any felony, or any crime involving theft or fraudulent practices after execution of a contract with the City and/or DDA, the contract shall be immediately revoked or canceled.

A development agreement or similar contract may not be entered into where any of the potential principal partners has a bankruptcy or lien on any property owned by the individual within a period of five years immediately prior to the date of the pending development agreement or similar contract. The City and/or DDA may require personal credit reports of each principal partner to validate financial capacity. Should any principal partner demonstrate lack of financial capacity due to bankruptcy or property lien after the execution of a contract with the City and/or DDA, the contract shall be immediately revoked or canceled.