

Development Authority of Fulton County

Amended and Restated Per Diem Policy

Preface: O.C.G.A. § 36-62-5(c) (the “Act”) provides for limited compensation to Development Authority of Fulton County (the “Development Authority”) directors for reimbursement of actual expenses and for payment of a per diem in counties with a population of 550,000 or more. Specifically, the per diem allowance in counties with a population of 550,000 or more shall be determined by the governing authority (in this case, the Fulton County Board of Commissioners (the “BOC”)), shall be paid for each day, or part thereof, spent in performance of the director’s duties and shall not exceed the per diem allowance set for members of the General Assembly.

A per diem is defined as “for each day” and therefore the Act can be interpreted as specifically authorizing the payment of a single per diem for each day in which services to the Development Authority are provided.

Purpose: The Development Authority does not currently have a policy to determine how and when a per diem should be paid. The purpose of the Policy, (as amended, the “Policy”) is to provide more specific guidance to Development Authority directors and staff.

Policy: Per diems are authorized to be paid for the following:

- Attendance at regular or special-called meetings of the Development Authority.
- Officer attendance at Executive Committee meetings.
- Participation in a committee meeting for committees specifically designated and authorized by the Development Authority.
- Participation in an external event when the director is attending the event solely as a representative of the Development Authority and the event has significant and substantive economic development issues that relate directly to current Development Authority issues or priorities.
- Other work and telephone calls from a director’s home or office which directly relate to current Development Authority matters and issues in which the total time devoted to such matters exceeds more than two hours per day. Such total time could include travel time to meetings, review and/or execution of documents and other time spent in furtherance of DAFC work so long as it is well documented in the Per Diem Approval Form described herein.
- Travel to attend an out of town meeting directly related to the work and mission of the Development Authority. The Development Authority will reimburse direct travel and lodging expenses. All other expenses,

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including meals, associated with out of town travel are expected to be covered by the per diem.

Requirements: Each director seeking reimbursement for a per diem shall complete the “Per Diem Approval Form” attached hereto as Exhibit A. The Accounting Liaison will review all Per Diem Approval Forms for compliance with the Policy. Prior to disbursement of any per diem payments, the Treasurer will also review the Per Diem Approval Forms for confirmation that they are in compliance with this Policy. A sample of acceptable service descriptions is attached hereto as Exhibit B.

Limitations: When multiple meetings or events occur on the same day, only one per diem shall be paid on any given day. Per diems are authorized to be paid in the amount of \$105 for each day (the “Per Diem Daily Amount”); provided, however, the Per Diem Daily Amount may increase or decrease at any given time in accordance with applicable law.

No director shall receive per diem payments that collectively exceed \$7,000, or such other amount that is set forth in O.C.G.A. § 45-7-4(a)(22)(C) as the annual cap for per diem differential and actual expenses incurred, in any given calendar year.

No director who is receiving a salary or other compensation from the Development Authority for serving in an employment capacity with the Development Authority will be eligible for any per diems during their term of employment with the Development Authority.

The Policy cannot identify every possibility for when a per diem should be paid and, therefore, it is incumbent on each director to implement and adhere not only to the letter of the Policy, but also to the spirit of the Policy.

Notwithstanding anything to the contrary contained herein, all per diem payments shall be paid in accordance with the law, including, but not limited to the Act, O.C.G.A. §§ 45-7-4(a)(22) and 47-7-21(b), as applicable. The Policy shall at all times be interpreted in accordance with applicable law without requiring an amendment to the Policy. Further notwithstanding anything to the contrary contained herein, in the event of a conflict between the terms of a resolution adopted by the BOC and State law, the terms of State law shall control.

**APPROVED BY DEVELOPMENT AUTHORITY OF FULTON COUNTY BOARD OF DIRECTORS
ON NOVEMBER 16, 2020, AS AMENDED ON JUNE 22, 2021,
AS FURTHER AMENDED ON NOVEMBER 15, 2022**

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EXHIBIT A

PER DIEM APPROVAL FORM

I, the undersigned member of the Development Authority of Fulton County, do hereby certify that I was engaged in official Authority business, regular and or special called meetings, on the dates indicated below, and I am entitled to the per diem allowance authorized by law for such service.

DATE OF SERVICE:

DESCRIPTION OF SERVICE(S):

TOTAL AMOUNT \$
(Per Diem or Expenses*)

This Day of , 202 .

**DIRECTOR,
DEVELOPMENT AUTHORITY OF FULTON
COUNTY**

**Accounting Liaison,
DEVELOPMENT AUTHORITY OF
FULTON COUNTY**

*Any travel or lodging expenses related to DAFC activities as permitted under this Policy. Receipts must accompany this form.

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EXHIBIT B

Permitted Descriptions of Service for Per Diem Approval Form

Attend Board Meeting on [DATE]

Attend Executive Committee Meeting on [DATE]

Attend [X] Committee Meeting on [DATE]

Site Visit for [X] Project arranged by DAFC

Review of Audit/Accounting/Banking Records

Meeting with Auditor or Accountant

Review and execute documents relating to [X] Project

Attend [X] Conference at the request of DAFC

Meeting/Call with Legal Counsel to discuss project, committee, legal issue, or other matter

Meeting/Call with Developer to discuss new project

Meeting/Call with staff to discuss operational issue

Meeting/Call with Commissioner or other official at the request of the DAFC

Made a presentation at the request of the DAFC