

House Bill 884

By: Representative Houston of the 166<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To establish the Adel/Cook County Tourism Authority; to provide for a short title; to provide  
2 for the purpose of the authority; to provide for definitions; to provide for the membership of  
3 the authority; to provide for the election of officers, a quorum, bylaws, and procedures at  
4 meetings; to provide for expenses of members; to provide for filling vacancies on the  
5 authority; to provide for the powers of the authority; to provide for the use of funds by the  
6 authority; to provide for severability; to provide an effective date; to repeal conflicting laws;  
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Adel/Cook County Tourism Authority  
11 Act."

12 **SECTION 2.**

13 The purpose of this Act is to create the Adel/Cook County Tourism Authority. The authority  
14 is created for the purpose of developing and directing projects which support and promote  
15 tourism in the Adel/Cook County area.

16 **SECTION 3.**

17 As used in this Act, the term "authority" shall mean the Adel/Cook County Tourism  
18 Authority created by this Act.

19 **SECTION 4.**

20 The authority shall consist of seven directors. Two directors shall be appointed by the Board  
21 of Commissioners of Cook County; two directors shall be appointed by the mayor and  
22 council of the City of Adel; and three directors shall be appointed by the members of the

1 Adel Industrial Development Authority. Directors shall serve for terms of four years and  
2 until their successors are appointed and qualified.

3 **SECTION 5.**

4 The membership of the authority shall elect from among themselves a chairperson and vice  
5 chairperson, each of whom shall continue as voting members. The chairperson shall preside  
6 over the meetings of the authority, and the vice chairperson shall preside in his or her  
7 absence, and such officers shall have such other powers, duties, and responsibilities as are  
8 set out elsewhere herein. The authority shall also choose a secretary, who may or may not  
9 be a member of the authority, to keep the minutes and records of the authority. Four  
10 members of the authority shall constitute a quorum. A majority of the quorum may exercise  
11 any and all powers of the authority. The authority shall, as soon as practicable, adopt its own  
12 bylaws, rules, and procedures to govern its internal workings and the conduct of its business.  
13 The authority shall meet at least once a month and at such other times as it may deem  
14 necessary.

15 **SECTION 6.**

16 The members shall receive no compensation but shall be reimbursed from the funds of the  
17 authority for reasonable and necessary expenses incurred in pursuing the business of the  
18 authority.

19 **SECTION 7.**

20 Should any appointed member vacate his or her office as a member, either by resignation,  
21 death, change of residence, unexcused failure to attend three scheduled meetings in a row,  
22 or other reason, the governing authority by whom the appointment was made shall, as soon  
23 as practicable, appoint another member to the authority to serve for the remainder of the  
24 term.

25 **SECTION 8.**

26 (a) The authority shall possess all the powers necessary or convenient to accomplish its  
27 purposes, including the following specific powers which shall not be construed as a  
28 limitation upon the general and other specific powers of the authority:

29 (1) To bring and defend actions;

30 (2) To adopt and amend a corporate seal;

31 (3) To make and execute contracts and other instruments necessary to exercise the  
32 powers of the authority, any of which contracts may be made with Cook County or with

1 any one or more municipal corporations in such county. Cook County and all municipal  
2 corporations therein are authorized to enter into contracts with the authority;

3 (4) To receive and administer gifts, grants, and devises of any property and to administer  
4 trusts;

5 (5) To acquire, by purchase, gift, or construction, any real or personal property desired  
6 to be acquired as part of any project or for the purpose of improving, extending, adding  
7 to, reconstructing, renovating, or remodeling any project or part thereof already acquired  
8 or for the purpose of demolition to make room for such project or any part thereof;

9 (6) To sell, lease, exchange, transfer, assign, pledge, mortgage, dispose of, or grant  
10 options for any real or personal property or interest therein for any such purposes;

11 (7) Except as otherwise provided in paragraph (7.1) of this section, to dispose of any real  
12 property for fair market value, regardless of prior development of such property as a  
13 project, whenever the authority may deem such disposition to be in the best interests of  
14 the authority if the authority prior to such disposition shall determine that such real  
15 property no longer can be used advantageously as a project for the development of  
16 tourism;

17 (7.1) Notwithstanding any other provision of this Act to the contrary, to dispose of any  
18 real property for fair market value or any amount below fair market value as determined  
19 by the authority, regardless of prior development of such property as a project, whenever  
20 the authority may deem such disposition to be in the best interests of the authority if the  
21 authority prior to such disposition shall determine that such real property no longer can  
22 be used advantageously as a project for the development of tourism and if title to such  
23 real property is to be transferred to the state;

24 (8) To mortgage, convey, pledge, or assign any properties, revenues, income, tolls,  
25 charges, or fees owned or received by the authority;

26 (9) To appoint officers and retain agents, engineers, attorneys, fiscal agents, accountants,  
27 and employees and to provide for their compensation and duties;

28 (10) To extend credit or make loans to any person, firm, corporation, or other industrial  
29 entity for the planning, design, construction, acquisition, or carrying out of any project,  
30 which credit or loans shall be secured by loan agreements, mortgages, security  
31 agreements, contracts, and all other instruments, fees, or charges, upon such terms and  
32 conditions as the authority shall determine reasonable in connection with such loans,  
33 including provision for the establishment and maintenance of reserves and insurance  
34 funds; and, in the exercise of powers granted by this section in connection with a project  
35 for such person, firm, corporation, or other industrial entity, to require the inclusion in  
36 any contract, loan agreement, security agreement, or other instrument, of such provisions

1 for guaranty, insurance, construction, use, operation, maintenance, and financing of a  
2 project as the authority may deem necessary or desirable;

3 (11) To acquire, accept, or retain equitable interests, security interests, or other interest  
4 in any property, real or personal, by mortgage, assignment, security agreement, pledge,  
5 conveyance, contract, lien, loan agreement, or other consensual transfer, in order to  
6 secure the repayment of any moneys loaned or credit extended by the authority;

7 (12) To construct, acquire, own, repair, remodel, maintain, extend, improve, and equip  
8 projects located on land owned or leased by the authority or land owned or leased by  
9 others and to pay all or part of the cost of any such project from the proceeds of revenue  
10 bonds of the authority or from any contribution or loans by persons, firms, or  
11 corporations or any other contribution, all of which the authority is authorized to receive,  
12 accept, and use;

13 (13) To borrow money and issue its revenue bonds and bond anticipation notes from  
14 time to time and to use the proceeds thereof for the purpose of paying all or part of the  
15 cost of any project, including the cost of extending, adding to, or improving the project,  
16 or for the purpose of refunding any such bonds of the authority theretofore issued and to  
17 otherwise carry out the purposes of this Act and to pay all other costs of the authority  
18 incident to or necessary and appropriate to such purposes, including the providing of  
19 funds to be paid into any fund or funds to secure such bonds and notes, provided that all  
20 such bonds and notes shall be issued in accordance with the procedures and subject to the  
21 limitations set forth in Code Section 36-62-8 of the O.C.G.A.;

22 (14) As security for repayment of authority obligations, to pledge, mortgage, convey,  
23 assign, hypothecate, or otherwise encumber any property, real or personal, of such  
24 authority and to execute any trust agreement, indenture, or security agreement containing  
25 any provisions not in conflict with law, which trust agreement, indenture, or security  
26 agreement may provide for foreclosure or forced sale of any property of the authority  
27 upon default, on such obligations, either in payment of principal or interest or in the  
28 performance of any term or condition, as are contained in such agreement or indenture.  
29 This state, on behalf of itself and each county, municipal corporation, political  
30 subdivision, or taxing district therein, waives any right which it or such county, municipal  
31 corporation, political subdivision, or taxing district may have to prevent the forced sale  
32 or foreclosure of any property of the authority so mortgaged or encumbered, and any such  
33 mortgage or encumbrance may be foreclosed in accordance with law and the terms  
34 thereof;

1 (15) To expend for the promotion of tourism within its area of operations any funds of  
2 the authority determined by the authority to be in excess of those needed for the other  
3 corporate purposes of the authority; and

4 (16) To do all things necessary or convenient to carry out the powers expressly conferred  
5 by this Act.

6 (b) The authority shall not have the power of eminent domain.

7 **SECTION 9.**

8 The funds of the authority, from whatever source derived, shall be used only in support of  
9 tourism in the City of Adel and Cook County. The authority shall keep suitable books and  
10 records of all its obligations, contracts, transactions and undertakings, all income, and all  
11 expenditures of every kind.

12 **SECTION 10.**

13 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared  
14 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other  
15 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain in full  
16 force and effect as if the section, subsection, sentence, clause, or phrase so declared or  
17 adjudicated invalid or unconstitutional was not originally a part of this Act. The General  
18 Assembly declares that it would have passed the remaining parts of the Act if it had known  
19 that such parts of this Act would be declared or adjudicated invalid or unconstitutional.

20 **SECTION 11.**

21 This Act shall become effective on July 1, 2001.

22 **SECTION 12.**

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