

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 1115:

A BILL TO BE ENTITLED
AN ACT

1 To create the Garden City Area Convention and Visitors Bureau Authority as a public body
2 corporate and politic, a political subdivision of the state, and a public corporation to have the
3 responsibility of promotion of tourism, trade, and conventions for Garden City, Georgia; to
4 provide for its creation and organization; to provide for the membership of the authority and
5 the terms of office and compensation of the members thereof; to provide for meetings; to
6 provide for legislative findings and declaration of purpose; to provide for general powers;
7 to provide for rules and regulations; to provide for related matters; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Garden City Area Convention and Visitors
12 Bureau Authority Act."

13 **SECTION 2.**

14 (a) The Garden City Area Convention and Visitors Bureau Authority shall consist of 11
15 members, nine of which shall be regular members and two of which shall be ex officio
16 members. All 11 members of the authority shall be at least 18 years of age and residents of
17 the City of Garden City or owners or employees of businesses within the city. At least four
18 of the nine regular members shall be either an owner, operator, or manager of a hotel, motel,
19 or restaurant in the city. The mayor and each city councilperson shall appoint one regular
20 member of the authority and there will always be one regular authority member representing
21 the mayor and each of the seven council posts. The members of the authority who represent
22 a city councilperson or the mayor shall serve of the time served by the councilperson or
23 mayor who appointed them, with a new appointment to be made when there is a new mayor
24 or city councilperson. In addition, the mayor and city council shall make a joint appointment
25 of one regular member for a one-year term, who shall not be an owner, operator, or manager

1 of a hotel, motel, or restaurant. Said joint appointee shall initially serve from the time of his
2 or her appointment until January 1, 2005. Thereafter, said joint appointee shall serve for a
3 two-year term. Appointments of the members representing a city councilperson or the mayor
4 shall be made within 45 days of the date on which the councilperson or mayor takes office
5 and the joint appointment of the mayor and city council shall be made within 45 days of the
6 first meeting of the mayor and city council in January of each year.

7 (b) The three city councilmembers serving a four-year term commencing January 1, 2004,
8 shall each appoint a member of the authority who shall be an owner, operator, or manager
9 of a hotel, motel, or restaurant. The four city councilmembers serving two-year terms
10 commencing January 1, 2004, and four-year terms thereafter shall each appoint a regular
11 member of the commission who is not an owner, operator, or manager of a hotel, motel, or
12 restaurant. The mayor shall appoint a regular member who is an owner, operator, or manager
13 of a hotel, motel, or restaurant. The joint appointment of the mayor and city council shall not
14 be an owner, operator, or manager of a hotel, motel, or restaurant.

15 (c) In addition to the nine regular members, there shall be two ex officio members of the
16 authority. These members shall be the executive director of the Garden City Convention and
17 Visitors Bureau Authority, if any, and the City Administrator for the City of Garden City.
18 Ex officio members shall not be entitled to vote, but otherwise shall have all powers and
19 responsibilities of a regular authority member.

20 (d) Any member can be removed by a two-thirds' vote of the mayor and entire city council,
21 with the mayor having the right to vote on the question of removal.

22 (e) All the members of the authority shall serve without compensation; provided, however,
23 the city council may reimburse authority members for reasonable expenses incurred in
24 connection with their service as authority members.

25 (f) All members of the authority, except the ex officio members, shall be nominated by a
26 private sector, nonprofit organization.

27 **SECTION 3.**

28 The authority shall elect a chairperson, vice chairperson, and secretary-treasurer from its
29 membership. Officers shall be elected on a calendar year basis but may be reelected for
30 succeeding terms. The chairperson shall be entitled to vote on all issues.

31 **SECTION 4.**

32 The authority shall have the power to employ an executive director as may be necessary in
33 the operation of the authority's activities, to whom in turn shall be delegated the authority
34 and responsibility necessary to administer properly the business of the authority and its
35 agencies created in this Act or at a later date, within policies set by the authority and subject

1 to its review. The executive director shall have full charge of the offices and all of the
 2 employees and shall have the authority to recommend to the authority the hiring and
 3 termination of the employees. The authority shall have the authority to establish salaries and
 4 compensation for said executive director and all of its employees.

5 **SECTION 5.**

6 (a) The authority shall meet at such times as may be necessary to transact the business
 7 coming before it. Meetings of the authority shall be open to the public in accordance with
 8 the laws of this state. Written minutes of all meetings shall be kept and, within ten days of
 9 every meeting, a copy of the minutes shall be furnished to the mayor and city council.
 10 Meetings shall be conducted in accordance with Robert's Rules of Order.

11 (b) At least five regular members of the authority shall constitute a quorum for the
 12 transaction of any business, including election of officers. The majority of the votes cast
 13 shall determine all questions and elections.

14 **SECTION 6.**

15 (a) The duties of the authority shall be to:

16 (1) Promote tourism, trade, and conventions for the City of Garden City;

17 (2) Study, investigate, and develop plans for improving tourism in the City of Garden
 18 City and the area and doing such things as tend to bring visitors and conventions into the
 19 city;

20 (3) Advise and recommend plans to the city council and departments of the city for the
 21 development of tourism in the city; and

22 (4) Otherwise promote public interest in the general improvement of tourism in the city.

23 (b) Nothing in this Act shall be construed to abridge or change the powers and duties of
 24 other authorities, departments, boards, and like agencies of the city.

25 **SECTION 7.**

26 (a) The authority shall have all powers necessary or convenient to carry out and effectuate
 27 the purpose and provisions of this Act, including, but without limiting the generality of the
 28 foregoing, the power:

29 (1) To sue and be sued in contract and in tort and to complain and defend in all courts;

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

31 (3) To acquire in its own name real property or rights and easements therein and
 32 franchises and personal property necessary or convenient for its corporate purposes by
 33 purchase on such terms and conditions and in such manner as it may deem proper or by
 34 gift, grant, lease, or otherwise; to insure the same against any and all risks as such

1 insurance may, from time to time, be available; and to use such property, rent or lease the
2 same to or from others, make contracts with respect to the use thereof, or sell, lease, or
3 otherwise dispose of any such property in any manner it deems to the best advantage of
4 the authority and the purposes thereof. Title to any such property of the authority shall
5 be held by the authority exclusively for the benefit of the public;

6 (4) To exercise any one or more of the powers, rights, and privileges conferred by this
7 Act either alone or jointly or in common with one or more other parties, whether public
8 or private. In any such exercise of such powers, rights, and privileges jointly or in
9 common with respect to the construction, operation, and maintenance of projects, the
10 authority may own an undivided interest in such projects with any other parties, whether
11 public or private. The authority may enter into agreements with respect to any project
12 with the other parties participating therein, and any such agreement may contain such
13 terms, conditions, and provisions consistent with this Act as the parties thereto may deem
14 to be in their best interest;

15 (5) To make and exercise contracts, agreements, and other instruments necessary or
16 convenient to exercise the powers of the authority or to further the public purpose for
17 which the authority is created;

18 (6) To borrow money to further or carry out its public purpose and to execute notes,
19 other obligations, leases, loan agreements, mortgages, deeds to secure debt, trust deeds,
20 security agreements, assignments, and such other agreements or instruments as may be
21 necessary or desirable in the judgment of the authority to evidence and to provide security
22 for such borrowing;

23 (7) To make application directly or indirectly to any federal, state, county, or municipal
24 government or agency or to any other source, whether public or private, for loans, grants,
25 guarantee, or other financial assistance in furtherance of the authority's public purposes
26 and to accept and use the same upon such terms and conditions as are prescribed by such
27 federal, state, county, or municipal government or agency or other source;

28 (8) To enter into agreements with the federal government, state government, or any
29 agency thereof to use the facilities or services of the federal government, state
30 government, or any agency thereof in order to further or carry out the public purposes of
31 the authority;

32 (9) Subject to proper appropriation to the authority, to receive and use the proceeds of
33 any tax levied by a political subdivision or taxing district of the state to pay the cost of
34 any project or for any other purpose for which the authority may use its own funds
35 pursuant to this Act;

36 (10) To accept donations and appropriations of money, services, products, property, and
37 facilities for expenditure and use by the authority for the accomplishment of its purpose;

1 (11) To adopt bylaws governing the conduct of business by the authority, the election
 2 and duties of officers of the authority, and other matters which the authority determines
 3 to include in its bylaws;

4 (12) To invest any accumulation of its funds in any manner that public funds of the state
 5 or its political subdivisions may be invested; and

6 (13) To do any and all things necessary or proper for the accomplishment of the
 7 objectives of this Act and to exercise any power usually possessed by private
 8 corporations performing similar functions which is not in conflict with the public purpose
 9 of the authority or the Constitution and laws of this state.

10 (b) The powers enumerated in each paragraph of subsection (a) of this section are
 11 cumulative of and in addition to those powers enumerated in the other paragraphs of
 12 subsection (a) of this section and elsewhere in this Act and no such power limits or restricts
 13 any other power of the authority.

14 **SECTION 8.**

15 The properties of the authority, both real and personal, are declared to be public properties
 16 used for the benefit and welfare of the people of the City of Garden City, and not for
 17 purposes of private or corporate benefit and income, and such properties, to the extent of the
 18 authority's ownership therein, the authority, all income and obligations of the authority, and
 19 all transfers of such property shall be exempt from all taxes and special assessments of the
 20 state or any city, county, or other political subdivision thereof. The authority shall have all
 21 of the exemptions and exclusions from taxes that are now granted to cities and counties for
 22 the operation of properties or facilities similar to properties and facilities to be owned or
 23 operated, or both, by the authority.

24 **SECTION 9.**

25 Neither the members of the authority nor any person executing notes or obligations on behalf
 26 of the authority shall be personally liable thereon by reason of said execution.

27 **SECTION 10.**

28 The authority shall submit an annual budget to the mayor and city council of the City of
 29 Garden City which, upon approval by the city council, may in the discretion of the city
 30 council be funded from the revenue received by the city from the hotel-motel tax, provided
 31 the authority complies with any provisions relative to the expenditure of said revenue
 32 contained in Article 3 of Chapter 13 of Title 48 of the O.C.G.A. as now or hereafter in effect
 33 and any other criteria deemed proper by the mayor and city council.

SECTION 11.

The mayor and city council of the City of Garden City shall be authorized, by and through a committee of their own number or by any person they may select, to inspect at their pleasure the state and condition of the authority and the property thereto belonging and also all books and accounts pertaining to the affairs of the authority and the authority shall give and furnish them any reasonable facility and assistance in making such inspections.

SECTION 12.

The Garden City Area Convention and Visitors Bureau Authority shall not have the power or authority to bind the City of Garden City by any contract, agreement, financial obligation, or indebtedness or otherwise. No contract, agreement, financial obligation, or indebtedness incurred by the authority shall ever be a claim or charge against the city.

SECTION 13.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 14.

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