

Senate Bill 524

By: Senator Golden of the 8th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To create the Valdosta-Lowndes County Parks and Recreation Authority and to authorize
2 such Authority to provide parks and recreation services throughout Lowndes County; to
3 provide for the membership and for the appointment of members of the authority; to define
4 relevant terms; to confer powers to acquire, own, construct, develop, provide, maintain and
5 operate parks, playgrounds, recreation and athletic centers and facilities, and other parks and
6 recreational facilities of all kinds; to confer powers to develop and provide recreational
7 programs, activities, and services; to provide for employment of parks and recreation
8 directors, supervisors, superintendents, playground leaders, maintenance personnel,
9 administrative personnel, and other personnel necessary for such purpose; to confer powers
10 to acquire, construct, equip, maintain, and operate athletic and recreational centers, facilities,
11 and areas, including, but not limited to, playgrounds, parks, swimming pools, diving and
12 wading pools, hiking and camping areas and facilities, picnicking areas and facilities, lakes
13 and ponds, tennis courts, athletic fields, athletic facilities and courts, fishing and boating
14 facilities, skate boarding facilities, bike trails, club houses, gymnasiums, stadiums,
15 auditoriums and amphitheatres, recreation centers and facilities, youth centers, lands for open
16 spaces, senior citizen centers, golf courses, equestrian facilities, and the usual and convenient
17 facilities, buildings, improvements, machinery, and equipment appertaining thereto and any
18 and all extensions, additions and improvements of such facilities; to acquire parking,
19 concession, and dining facilities and other property of any nature whatsoever deemed by the
20 authority to be necessary, convenient, or desirable in connection therewith; to acquire the
21 necessary property therefor, both real and personal; and to lease, buy, and sell any or all of
22 such facilities, including real and personal property; to confer powers and to impose duties
23 on the authority; to authorize the authority to acquire by deed title to such recreational
24 facilities, to contract with others pertaining to such recreational facilities, to execute leases
25 on such facilities, to convey title to real property of the authority, and to do all things deemed
26 necessary or convenient for the operation of such undertakings; to authorize the authority to
27 lease such facilities to other political subdivisions, which leases shall obligate the lessees to
28 make payment for the use of such facilities for the term thereof and to pledge to that purpose

1 revenues derived from taxation; to provide that no debt of Lowndes County, the
2 municipalities located therein, or other political subdivisions, within the meaning of
3 Article IX, Section III, Paragraph I of the Constitution of the State of Georgia, shall be
4 incurred by exercise of the powers granted; to authorize the issuance of revenue bonds or
5 obligations of the authority; to authorize the collection and pledging of the revenues and
6 earnings of the authority for the payment of such bonds or obligations and to secure the
7 payment thereof; to define the rights of the holders of such bonds or obligations; to make the
8 property of the authority exempt from taxation and assessment; to grant the authority and its
9 members certain immunities; to authorize the issuance of refunding bonds or obligations; to
10 fix the venue or jurisdiction of actions; to provide that bonds be validated as authorized by
11 Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law"; to provide for
12 budgets and procedures in connection therewith; to provide for audits; to provide for funding;
13 to provide for personnel; to provide for conveyance of property upon dissolution; to provide
14 for bonding limitations; to provide for construction of this Act; to provide for related matters;
15 to provide for activation of the authority; to provide an effective date; to repeal conflicting
16 laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 This Act shall be known and may be cited as the "Valdosta-Lowndes County Parks and
20 Recreation Authority Act."

21 **SECTION 2.**

22 (a) There is created a body corporate and politic to be known as the Valdosta-Lowndes
23 County Parks and Recreation Authority, which shall be deemed to be a political subdivision
24 of the State of Georgia and a public corporation. By that name, style, and title, said body
25 may contract and be contracted with, sue and be sued, implead and be impleaded, complain
26 and defend in all courts of law and equity, except that the authority shall in no event be liable
27 for any torts committed by any of the respective officers, agents, and employees of the
28 authority. The authority shall not be a state institution nor a department or agency of the
29 state but shall be an instrumentality of the state, a mere creation of the state, having a distinct
30 corporate entity and being exempt from the provisions of Article 2 of Chapter 17 of Title 50
31 of the O.C.G.A., the "Georgia State Financing and Investment Commission Act." The
32 authority shall have its principal office in Lowndes County and its legal situs or residence
33 for the purposes of this Act shall be Lowndes County. The scope of the authority's operation
34 shall be limited to the territory embraced within Lowndes County. The authority is granted

1 the same exemptions and exclusions from taxes as are now granted to cities and counties for
2 the operation of facilities similar to facilities to be owned or operated by the authority as
3 provided under the provisions of this Act.

4 (b) The authority shall consist of seven members, with three members to be appointed by
5 a majority vote of the Board of Commissioners of Lowndes County, one of whom may be
6 a member of such governing authority; three members to be appointed by a majority vote of
7 the mayor and council of the City of Valdosta, one of whom may be a member of such
8 governing authority; and one member to be appointed by the Board of Commissioners of
9 Lowndes County and the mayor and council of the City of Valdosta on an alternating basis,
10 first by the board of commissioners and then by the mayor and council. The county manager
11 for Lowndes County and the city manager for the City of Valdosta shall be non-voting ex
12 officio members of the authority.

13 (c) The terms of the membership of the authority members shall be as follows: the initial
14 alternating member appointed by Lowndes County, one of Lowndes County's initial three
15 appointees, and one of the City of Valdosta's initial three appointees shall serve a term to
16 expire June 30, 2011. One of Lowndes County's initial three appointees and one of the City
17 of Valdosta's initial three appointees shall serve a term to expire June 30, 2010. One of
18 Lowndes County's initial three appointees and one of the City of Valdosta's initial three
19 appointees shall serve a term to expire June 30, 2012. Thereafter, all appointees shall serve
20 a term of three years. Members may succeed themselves in office. If a member of a
21 governing authority of Lowndes County or the City of Valdosta is appointed as a member
22 of the authority, his or her term shall terminate at the end of his or her term of office on the
23 governing authority or upon his or her ceasing to be a member of the governing authority.
24 Such person may be reappointed as a member of the authority. To be eligible for
25 membership on the authority, a person must be 21 years of age, must have been a resident
26 of Lowndes County for at least two years, and must reside in Lowndes County during his or
27 her membership.

28 (d) The members of the authority shall enter upon their duties immediately upon their
29 appointment.

30 (e) The office of any member of the authority shall be declared vacant upon a determination
31 by the members of the appointing governing authority that such authority member has been,
32 while in office, arrested for or convicted of a felony, a misdemeanor of a high and aggravated
33 nature, or a crime involving moral turpitude or is found by the appointing governing
34 authority to have moved such member's residence from Lowndes County during such
35 member's term of office. The appointing governing authority shall be authorized to remove
36 from office any member of the authority appointed by such governing authority by a
37 two-thirds vote in the event that such member of the authority is found to be guilty of

1 misfeasance or malfeasance in office, is found to have failed to attend three or more
2 successive regular meetings of the authority without a reasonable excuse approved by a
3 resolution of the authority, or who is found to have engaged in actions or activities which are
4 determined by the appointing governing authority to have been detrimental to the carrying
5 out of the duties and obligations of the authority.

6 (f) Any vacancy on the authority shall be filled within 60 days by appointment by a majority
7 vote of the governing authority that had appointed the authority member whose resignation,
8 removal, or ineligibility resulted in such vacancy. The person so appointed shall serve for
9 the remainder of the unexpired term.

10 (g) Each July, the authority shall elect one of its members as chairperson and one of its
11 members as vice chairperson, and it shall also elect a secretary and a treasurer or a
12 secretary-treasurer, each of whom may be a member or a nonmember of the authority. Such
13 officers shall serve a term of one year beginning July 1 of each calendar year and ending
14 June 30 of the following calendar year, or until their successors are duly elected and
15 qualified.

16 (h) The authority shall meet at least monthly for the transaction of business. The authority
17 may convene in special meetings on the call of the chairman. If the chairman is unable or
18 fails to call a special meeting upon request of an authority member, the authority may
19 convene a special meeting upon call by a majority of its members.

20 (i) A majority of the members of the authority shall constitute a quorum, but no action may
21 be taken by the members of the authority without the affirmative vote of a majority of the full
22 membership of the authority. No vacancy on the authority shall impair the right of the
23 quorum to exercise all the rights and perform all the duties of the authority.

24 (j) The authority shall make bylaws and other rules and regulations for its own governance,
25 which may include the use of *Robert's Rules of Order*, and may amend such rules and
26 regulations by a two-thirds majority vote of the authority. The authority may delegate to one
27 or more of its officers, agents, or employees such powers and duties as may be deemed
28 necessary and proper. The authority shall have perpetual existence.

29 (k) The members of the authority shall receive no compensation for their services but shall
30 be reimbursed from any available funds for their actual and necessary expenses incurred in
31 the performance of their duties.

32 (l) No member of the authority shall have, directly or indirectly, any financial interest, profit,
33 or benefit in any contract, work, or business of the authority nor in the sale, lease, or
34 purchase of any property to or from the authority unless:

- 35 (1) Any interest, profit, or benefit by such member is disclosed in advance to the other
36 members of the authority and is recorded in the minutes of the authority;

(2) That no member having any such interest, profit, or benefit may be present during that portion of an authority meeting when such contract, work, business, sale, lease, or purchase is being discussed; and

(3) That no member having such interest, profit, or benefit may participate in any decision of the authority relating to such matter.

As used in this section, an "interest, profit, or benefit" shall mean any interest which reasonably may be expected to result in a direct financial benefit to such member as determined by the authority, which determination shall be final and not subject to review.

(m) All meetings of the authority shall be open to the public to the extent provided in Chapter 14 of Title 50 of the O.C.G.A.

SECTION 3.

(a) As used in this Act, the term:

(1) "Authority" shall mean the Valdosta-Lowndes County Parks and Recreation Authority created in Section 2 of this Act.

(2) "Cost of the project" shall mean and include:

(A) All costs of construction, purchase, lease, or other forms of acquisition;

(B) All costs of real property and any interest therein or thereto incurred in connection with a project including, without limitation, land, improvements, franchises, easements, water rights, fees, permits, approvals, licenses, and the securing thereof and applying therefore;

(C) All costs of personal property and any interest therein or thereto incurred in connection with a project including, without limitation, furniture, machinery, equipment, initial fuel, and other supplies;

(D) Financing charges and interest prior to and during construction and for such additional period as the authority may reasonably determine to be necessary or desirable in order to place such project in operation;

(E) Costs of engineering, architectural, fiscal, and legal services;

(F) Cost of plans and specifications and all other expenses necessary or incidental to the acquisition, construction, or equipping of any project or to determining the feasibility or practicability of any project;

(G) Fees paid to fiscal agents for financial and other advice or supervision; and

(H) Cost of administrative services and such other expenses as may be necessary or incident to the financing authorized by this Act.

(I) The cost of a project may also include the payment of any loan made for the advance payment of any part of such cost, including interest thereon, and the costs of funding any debt service reserve or other reserves as may be reasonably required by the authority with

1 respect to the financing or operation of any project. Any obligation or expense incurred
2 for any of the purposes outlined in this paragraph shall be regarded as part of the cost of
3 the project and may be paid or reimbursed as such out of the proceeds of revenue bonds,
4 notes, or other obligations of the authority issued pursuant to this Act.

5 (3) "Project" shall mean and include the acquisition, construction, installation,
6 modification, renovation, rehabilitation, equipping, maintenance, and operation of parks
7 and athletic and recreation centers, facilities, and areas of any and all kinds including, but
8 not limited to, playgrounds, parks, swimming pools, diving and wading pools, hiking and
9 camping areas and facilities, picnicking areas and facilities, lakes and ponds, tennis courts,
10 athletic fields, athletic facilities, athletic courts, fishing and boating facilities, skateboarding
11 facilities, bike trails, club houses, gymnasiums, stadiums, auditoriums and amphitheatres,
12 recreation centers and facilities, youth centers, lands for open space, senior citizen centers,
13 golf courses, and equestrian facilities; the usual and convenient facilities, buildings,
14 improvements, machinery, and equipment appertaining thereto and any and all extensions,
15 additions, and improvements of such facilities; the acquisition, construction, installation,
16 modification, renovation, rehabilitation, equipping, maintenance, and operation of any
17 parking, concession, and dining facilities thereto; and other property of any nature
18 whatsoever including, without limitation, land, buildings, improvements, structures,
19 machinery, equipment, and furniture or areas deemed by the authority to be necessary,
20 convenient, or desirable in connection with any such parks or athletic or recreation centers,
21 facilities, and areas.

22 (4) "Revenue bonds," "bonds," and "obligations" mean revenue bonds as defined and
23 provided for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond
24 Law," and which may be issued by the authority as authorized under such article and any
25 amendments thereto and, in addition, shall mean obligations of the authority, the issuance
26 of which are specifically provided for in this Act.

27 (b) Any project shall be deemed "self-liquidating" if, in the judgment of the authority, the
28 revenues and earnings to be derived by the authority therefrom, including the anticipated
29 revenues and earnings from the lease of any project, and all properties used, leased, and sold
30 in connection therewith shall be sufficient to pay the cost of acquiring, operating,
31 maintaining, repairing, improving, or extending the project and to pay the principal of and
32 interest on the revenue bonds or other obligations which may be issued to finance, in whole
33 or in part, the cost of such project or projects.

SECTION 4.

(a) The authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act including, without limitation, the following powers:

- (1) To adopt a seal and alter the same at its pleasure;
- (2) To provide parks and recreation services throughout Lowndes County;
- (3) To develop, provide, maintain, and operate any project;
- (4) To develop and provide recreational and athletic programs, activities, and services;
- (5) To employ or retain agents, engineers, attorneys, fiscal agents, accountants, architects, planners, consultants, parks and recreation directors, supervisors, superintendents, playground leaders, maintenance personnel, administrative personnel, and other personnel necessary for such purposes;
- (6) To acquire, construct, install, modify, renovate, rehabilitate, equip, maintain, and operate any project or portion thereof;
- (7) To acquire by purchase, lease, gift, construction, or otherwise any real or personal property or any interest therein desired to be acquired as part of any project or for the purpose of improving, extending, adding to, reconstructing, renovating, or remodeling any project or part thereof already acquired or for the purpose of demolition to make room for any project or any part thereof. If the authority shall deem it expedient to construct any project on any lands, the title to which shall then be in the State of Georgia, the Governor is authorized to convey for and in behalf of the state title to such lands to the authority upon the receipt of such lawful consideration as may be determined by the parties to such conveyance. If the authority shall deem it expedient to acquire and construct any project on any lands, the title to which shall be in the name of the Board of Commissioners of Lowndes County or any municipality incorporated in that county; such entity is authorized in its discretion to convey title to such lands to the authority upon the receipt of such lawful consideration as may be determined by the parties of such conveyances or upon payment for the credit of the general funds of such county or municipalities of the reasonable value of such lands. Such reasonable value shall be determined by mutual consent of such county or municipality and the authority or by an appraiser to be agreed upon by the governing authority or body of such county or municipality and the chairperson of the authority. If the authority shall deem it expedient to acquire any real or personal property from the governing authority of Lowndes County or any municipality therein, such governing authority is authorized in its discretion to convey title to such real or personal property to the authority without consideration from the authority to such governing authority;

1 (8) To mortgage, convey, pledge, or assign any real or personal property, revenues,
2 income, tolls, charges, or fees owned or received by the authority, provided such mortgage,
3 conveyance, pledge, or assignment is not prohibited by the deed of such property to the
4 authority or otherwise prohibited by other contract of the authority;

5 (9) To make, execute, and perform all contracts, leases, agreements, and other instruments
6 deemed by the authority to be necessary or convenient in connection with the exercise by
7 the authority of any of its powers, including contracts for the acquisition and construction
8 of projects and leases of projects and contracts with respect to the use of projects which the
9 authority causes to be erected or acquired. Such contracts may be made with any and all
10 persons, firms, and corporations and with Lowndes County, or any municipality located
11 in Lowndes County, and with the State of Georgia, or any and all of its political
12 subdivisions, departments, institutions, or agencies, all of whom are authorized to enter into
13 contracts, leases, agreements, or instruments with the authority upon such terms and for
14 such purposes as they deem advisable. Without limiting the generality of this paragraph,
15 authorization is specifically granted to municipal corporations and counties and to the
16 authority to enter into contracts and lease and sublease agreements with the State of
17 Georgia, or any agencies or departments thereof, relative to any project or any property
18 which such departments or agencies of the State of Georgia have now or may hereafter
19 obtain by lease from the United States government, or any agencies or departments thereof,
20 and the authority is specifically authorized to convey title in fee simple to any and all of
21 its lands and any improvements thereon to any persons, firms, corporations, or
22 municipalities or to the State of Georgia or to the United States government, or any
23 agencies or departments thereof, subject to the rights and interest of the holders of any of
24 the bonds or obligations issued pursuant to this Act and by the resolution or trust indenture
25 of the authority authorizing the issuance of any of its bonds or obligations as provided in
26 this Act, provided such conveyance is not prohibited by the deed of such property to the
27 authority or otherwise prohibited by other contract of the authority;

28 (10) To construct, erect, acquire, own, repair, remodel, renovate, rehabilitate, maintain,
29 add to, extend, improve, equip, operate, and manage projects as defined in this Act, on land
30 owned or leased by the authority or on land owned or leased by others, and to pay all or
31 part of the cost of any such project from the proceeds of revenue bonds or obligations or
32 other funds of the authority or from such proceeds or other funds or any contributions or
33 grants from any person, firm, or corporation or from the United States of America, or any
34 political subdivision thereof, the State of Georgia, or any political subdivision thereof, or
35 any agency or instrumentality of any of the foregoing, all of which the authority is
36 authorized to receive, accept, and use;

1 (11) To accept and administer gifts, devises and grants of money, materials, or property
2 of any kind and to administer trusts;

3 (12) To borrow money for any of its corporate purposes and to execute and deliver notes,
4 revenue bonds, and other evidences of such indebtedness and to use the proceeds thereof
5 to pay all or any part of the cost of any project or refunding any outstanding indebtedness
6 of the authority or to pay any other cost or expense of the authority incident to or necessary
7 and appropriate to carry out the purposes of this Act;

8 (13) As security for the repayment of any indebtedness or other obligations of the
9 authority, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any
10 property, real or personal, of the authority and any income or revenues generated therefrom
11 or otherwise, and to execute any trust agreement, indenture, security deed, mortgage, or
12 security agreement containing any provisions not in conflict with law, provided such trust
13 agreement, indenture, security deed, mortgage, or security agreement is not prohibited by
14 the deed of such property to the authority or otherwise prohibited by other contract of the
15 authority, which trust agreement, indenture, security deed, mortgage, or security agreement
16 may provide for judicial or nonjudicial foreclosure or forced sale of any property of the
17 authority upon default on such obligations, either in payment of any amount due and owing
18 thereunder, or in the performance or satisfaction of any term or condition, as are contained
19 in such trust agreement, indenture, security deed, mortgage or security agreement. The
20 State of Georgia, on behalf of itself and each county, municipal corporation, political
21 subdivision, or taxing district therein, waives any right which it or such county, municipal
22 corporation, political subdivision, or taxing district may have to prevent the foreclosure or
23 forced sale of any property of the authority so mortgaged or encumbered, and any such
24 mortgage or encumbrance may be foreclosed in accordance with law and the terms thereof;

25 (14) To exercise any power usually possessed by private corporations performing similar
26 functions which is not in conflict with the Constitution or laws of this state;

27 (15) To do all things necessary or convenient to carry out the powers expressly given in
28 this Act;

29 (16) To make recommendations to the Board of Commissioners of Lowndes County and
30 the municipalities within Lowndes County on land acquisition, facilities development, and
31 other matters relating to the provision of recreation and recreational opportunities to the
32 citizens of Lowndes County; and

33 (17) To extend credit or make loans to any person, firm, or corporation or any
34 governmental body including, without limitation, Lowndes County or any municipal
35 corporation located therein for the planning, design, construction, acquisition, or carrying
36 out of any project, which credit or loans may be secured by loan agreements, mortgages,
37 security deeds, security agreements, contracts, and any other instruments, fees, or charges,

1 and upon such terms and conditions, as the authority shall determine to be reasonable in
2 connection with such loans.

3 (b) The authority is specifically authorized from time to time to sell, lease, grant, exchange,
4 transfer, assign, or otherwise dispose of any surplus property, both real and personal, or any
5 interest therein, that the authority determines is no longer necessary or desirable in
6 connection with its operation or purposes, provided such sale, lease, grant, exchange, or
7 other disposition is not prohibited by the deed of such property to the authority or otherwise
8 prohibited by other contract of the authority.

9 (c) Notwithstanding any other provision of this Act to the contrary, the authority shall not
10 have the authority to construct, improve, or maintain any road or street on behalf of, pursuant
11 to a contract with, or through the use of taxes or other revenues of any county or municipal
12 corporation to the extent such is prohibited under Article III, Section VI, Paragraph V(e) of
13 the Constitution of the State of Georgia.

14 **SECTION 5.**

15 The authority, or any authority or body which has or which may in the future succeed to the
16 powers, duties, and liabilities vested in the authority created by this Act, shall have power
17 and is authorized at any time or from time to time to provide by resolution for the issuance
18 of negotiable revenue bonds or other notes, bond anticipation notes, or other evidences of
19 indebtedness for the purpose of paying all or any part of the cost of any one or more projects
20 or refunding any outstanding obligations of the authority. The principal of and interest on
21 such bonds or other debt instruments shall be payable solely from the special fund provided
22 for in this Act for such payment. Such bonds or other debt instruments shall be dated and
23 shall bear interest at such rate or rates, shall be payable on such dates, and shall otherwise
24 have such terms and conditions as shall be as determined by the authority. All revenue bonds
25 shall be issued pursuant to and in conformity with Article 3 of Chapter 82 of Title 36 of the
26 O.C.G.A., the "Revenue Bond Law," and all procedures pertaining to such issuance and the
27 conditions thereof shall be the same as those contained in the Revenue Bond Law and any
28 amendments thereto.

29 **SECTION 6.**

30 All revenue bonds and other debt instruments issued by the authority under the provisions
31 of this Act are declared to be issued for an essential public and governmental purpose, and
32 such bonds and other debt instruments, and the income thereof, shall be exempt from all
33 taxation by the state.

SECTION 7.

The authority may sell such revenue bonds and other debt instruments in such manner and for such prices as it may determine to be in the best interest of the authority, and the proceeds derived from the sale of such bonds or other debt instruments shall be used solely for the purpose provided in the proceedings authorizing the issuance of such bonds or other debt instruments.

SECTION 8.

All revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions, and things which are specified or required by this Act and Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law." Any resolution providing for the issuance of revenue bonds or other debt instruments under the provisions of this Act shall become effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular, special, or adjourned meeting of the authority by a majority of its members, subject to the provisions of Chapter 14 of Title 50 of the O.C.G.A., governing open and public meetings.

SECTION 9.

Any revenue bonds or other debt instruments issued under the provisions of this Act shall not be deemed to constitute a debt of the State of Georgia, Lowndes County, or any municipality within Lowndes County or a pledge of the faith and credit thereof; provided, however, that such debt shall be payable solely from the rentals, revenues, earnings, and funds of the authority as provided in the resolution or trust agreement or indenture authorizing the issuance and securing the payment of such bonds or other instruments. The issuance of such revenue bonds or other debt instruments shall not directly, indirectly, or contingently obligate the state or any political subdivision thereof, including Lowndes County and the municipalities within Lowndes County, to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, and all such bonds or other debt instruments shall contain recitals on their face covering substantially the foregoing provisions of this section. However, Lowndes County, the municipalities within Lowndes County, or any other political subdivision of the State of Georgia contracting with the authority, may obligate itself to pay the amounts required under any contract entered into with the authority from funds received from taxes to be levied and collected for that purpose to the extent necessary to pay the obligations contractually incurred under this section and from any other source. The obligation to make such payments shall constitute a general obligation and a pledge of the full faith and credit of the obligor but shall not constitute a debt of the obligor

1 within the meaning of Article IX, Section V, Paragraph I of the Constitution of the State of
2 Georgia. When under any such contract payments are obligated to be made from taxes to
3 be levied for that purpose, then the obligation to levy and collect such taxes from year to year
4 in an amount sufficient to fulfill and fully comply with the terms of such contract shall be
5 mandatory.

6 **SECTION 10.**

7 The revenues, rents, and earnings derived from any particular project or projects and any and
8 all revenue, rents, and earnings received by the authority, regardless of whether such
9 revenues, rents, and earnings were produced by a particular project for which bonds have
10 been issued, unless otherwise pledged, may be pledged by the authority to the payment of
11 the principal of and interest on revenue bonds or other debt instruments of the authority as
12 may be provided in any resolution authorizing the issuance of such bonds or in any trust
13 indenture pertaining to such bonds. Such funds so pledged from whatever source received,
14 which may include funds received from one or more or all sources, may be set aside at
15 regular intervals into sinking funds for which provision may be made in any such resolution
16 or trust indenture and which may be pledged to and charged with the payment of the interest
17 upon such debt as such interest shall become due. The principal of such debt as the same
18 shall mature; the necessary charges of any trustee or agent of paying such principal and
19 interest; and any premium upon such debt retired by call or purchase. The use and
20 disposition of any sinking fund may be subject to such regulation as may be provided for in
21 the resolution authorizing the issuance of the bonds or other instruments or in the trust
22 indenture securing the payment of the same. In addition, the resolution authorizing the
23 issuance of any bonds or other debt instruments may provide for the mortgaging,
24 transferring, or encumbering of all or any part of the authority's real or personal property and
25 for such purpose, the execution and delivery of any trust agreement, indenture, security deed,
26 mortgage, or security agreement, provided such trust agreement, indenture, security deed,
27 mortgage, or security agreement is not prohibited by the deed of such property to the
28 authority or otherwise prohibited by contract of the authority. Any such resolution, trust
29 agreement, indenture, security deed, mortgage, or security agreement may prescribe the
30 procedures by which the holders of such bonds or other debt instruments may enforce rights
31 against the authority, may provide for rights upon breach of any covenant, condition, or
32 obligation of the authority and may contain such other terms, conditions, and other
33 provisions not otherwise contrary to law as the authority shall deem necessary or desirable.

SECTION 11.

The exercise of the powers conferred upon the authority in this Act shall constitute an essential governmental function for a public purpose, and the authority shall be required to pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession, or supervision or upon its activities in the operation and maintenance of property acquired by it or of buildings erected or acquired by it or any fees, rentals, or other charges for the use of such property or buildings or other income received by the authority. The tax exemption provided in this Act shall not include an exemption from sales and use tax on property purchased by or for the use of the authority.

SECTION 12.

The authority shall have the same immunity and exemption from liability for torts and negligence as the State of Georgia, and the officers, agents, and employees of the authority, when in performance of the work of the authority, shall have the same immunity from liability for torts and negligence as officers, agents, and employees of the State of Georgia. The authority may be sued the same as private corporations on any contractual obligation of the authority. The property of the authority shall not be subject to levy and sale under legal process, except as may be contractually authorized by the authority.

SECTION 13.

Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such authority shall be brought in the Superior Court of Lowndes County, and any action pertaining to the validation of any bonds issued under the provisions of this Act shall likewise be brought in that court which shall have exclusive original jurisdiction of such actions.

SECTION 14.

Bonds issued by the authority shall be confirmed and validated in accordance with the procedure of Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law." The petition for validation shall also make party defendant to such action the State of Georgia or any municipality, county, authority, political subdivision, or instrumentality of the State of Georgia or the United States government or any department or agency of the United States government, if subject to being sued and if consenting to the same, which has contracted with the authority for the services and facilities of the project for which bonds are to be issued and sought to be validated, and the state or such municipality, county, authority, political subdivision, or instrumentality shall be required to show cause, if any, why such contract or contracts and the terms and conditions thereof should not be inquired into by the

1 court and the validity of the terms thereof be determined and the contract or contracts
2 adjudicated as part of the basis of the security for the payment of any such bonds of the
3 authority. The bonds, when validated, and the judgment of validation shall be final and
4 conclusive with respect to such bonds and the security for the payment thereof and interest
5 thereon and against the authority issuing the same, the state and any municipality, county,
6 authority, political subdivision, or instrumentality, if a party to the validation proceedings,
7 contracting with the authority.

8 **SECTION 15.**

9 While any of the bonds or other debt instruments or obligations issued by the authority
10 remain outstanding, the powers, duties, or existence of the authority or of its officers,
11 employees, or agents shall not be diminished or impaired in any manner that will affect
12 adversely the interest and rights of the holders of such obligations, and no other entity,
13 department, agency, or authority will be created which will compete with the authority to
14 such an extent as to affect adversely the interest and rights of the holders of such obligations,
15 nor will the state itself so compete with the authority. The provisions of this Act shall be for
16 the benefit of the authority, and the holders of any such obligations and upon the issuance
17 of such obligations under the provisions of this Act shall constitute a contract with the
18 holders of such obligations.

19 **SECTION 16.**

20 All funds received pursuant to this Act, whether as proceeds from the sale of revenue bonds
21 or other debt instruments or obligations, or as loans, revenue, rents, fees, charges, or other
22 earnings, or as grants, gifts, or other contributions shall be deemed to be trust funds to be
23 held and applied by the authority solely as provided in this Act. The holders of any bonds
24 or other debt instruments entitled to receive the benefits of such funds shall have a lien on
25 all such funds until the same are applied as provided for in any resolution or trust indenture
26 or agreement of the authority.

27 **SECTION 17.**

28 (a) The authority shall be funded by the governing authority of Lowndes County from
29 county-wide revenues based on a dedicated county-wide millage to be shown as a separate
30 line item on annual property tax bills. The minimum dedicated millage for each fiscal year
31 shall be 1.25 mills of the county-wide digest. The governing authority of Lowndes County
32 may in its discretion fund the authority in any fiscal year in an amount in excess of 1.25 mills
33 of the county-wide digest.

(b) The authority shall develop a budget and a financial and program work plan for both capital and operational requirements for the authority's activities for each fiscal year. The authority's fiscal year shall commence July 1 and end June 30 of each calendar year. Such plan shall be known as the "Annual Operating and Capital Budget of the Valdosta-Lowndes County Parks and Recreation Authority." The budget and plan shall be adopted on or before June 30 of any given year, with an effective date of July 1. All projected revenues and estimated expenditures shall be clearly outlined as to source and expenditure classification and purpose. The authority shall balance its budget at the end of each fiscal year.

(c) Each year the authority shall have made an independent audit and examination of the authority's financial records and transactions. Said audit shall be made in accordance with established national audit and accounting standards. Copies of said audit shall be available for public review.

(d) The authority may contract for legal and auditing services but only with attorneys and auditors other than those employed by Lowndes County or any of the municipalities located therein.

SECTION 18.

The authority is authorized to appoint, to select, and to employ officers, agents, and employees, to adopt rules and regulations governing their services and fix their respective compensations and terms of employment, and to contract with other entities for the provision of personnel employed by such other entities to be provided on behalf of the authority, provided such personnel shall be subject to all rules and regulations of the authority governing the services and compensation of employees of the authority. The authority is hereby expressly granted the authority to contract with the City of Valdosta so that the employees of the City of Valdosta currently providing parks and recreation services who desire to do so will be allowed to remain employees of the City of Valdosta and continue to receive their salary and present employee benefits from the City of Valdosta, subject however to their future salary increases being based on the policies of the authority.

SECTION 19.

This Act and any other law enacted with reference to the authority shall be liberally construed for the accomplishment of the purposes of the authority.

SECTION 20.

When the authority for any reason is dissolved after full payment of all bonded indebtedness incurred under the provisions of this Act, both as to principal and interest, title to any property held by the authority shall be conveyed prior to such dissolution in accordance with

1 provisions which may be made therefor in any deed of such property to the authority or in
2 any resolution or trust indenture relating to such property, including any deed or other
3 conveyance document by which such property was conveyed to the authority by Lowndes
4 County or any city located therein, or title to all property of any kind and nature, real and
5 personal, held by the authority at the time of such dissolution, shall be conveyed to Lowndes
6 County, subject to any liens, leases, or other encumbrances outstanding against or in respect
7 to said property at the time of such conveyance.

8 **SECTION 21.**

9 The authority shall not become active until the applicable governing authorities appoint the
10 initial members of the authority. The authority shall begin providing parks and recreation
11 services as provided in this Act as of July 1, 2008.

12 **SECTION 22.**

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

15 **SECTION 23.**

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