

House Bill 696 (AS PASSED HOUSE AND SENATE)

By: Representative Hill of the 180th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act creating the St. Marys Convention and Visitors Bureau Authority,
2 approved June 3, 2003 (Ga. L. 2003, 4464), so as to provide for two additional members to
3 the authority; to provide for the removal of such members; to provide for the method of
4 selection for such members; to provide for terms for the members of the authority; to provide
5 for staggered terms for initial members; to provide for an increase of the members required
6 for a quorum; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act creating the St. Marys Convention and Visitors Bureau Authority approved June 3,
11 2003 (Ga. L. 2003, 4464) is amended by revising Section 4 as follows:

12 **"Section 4.**

13 (a) The authority shall consist of nine members who shall be natural persons who shall be at
14 least 18 years of age and shall be residents of the city or operate a business in the city or
15 designee of the business owner. Each member of the city council shall appoint one member
16 to the authority. Two members shall be selected from the hotel and motel sector, two
17 members shall be selected from the bed and breakfast sector, and two members shall be
18 selected from the shops, restaurants, or concerned citizens sector. Two members shall be
19 selected by the city council as a whole and shall also be approved by a majority vote of the
20 council. The mayor shall appoint as a ninth member of the authority one incumbent
21 councilmember who shall also be approved by a majority vote of the council. The terms of
22 members shall expire on the last day of January with such appointments being effective as
23 of the next February 1. Notwithstanding the provisions of subsection (b) of this section
24 establishing the initial terms for the members, members shall serve for terms of three years.
25 Any member may resign at any time by filing a written notice of resignation with the city

26 clerk. Members may be removed by a majority vote of the mayor and council, with cause,
27 and neither the city nor the mayor nor any member of council shall be subject to any liability
28 on account of such removal.

29 (b) All members serving upon the effective date of this Act shall continue to serve until
30 January 31, 2010. Three members shall be selected to begin their term February 1, 2010, and
31 shall serve until January 31, 2011, and their successors shall serve for three-year terms
32 thereafter. Three members shall be selected to begin their term February 1, 2010, and shall
33 serve until January 31, 2012, and their successors shall serve for three-year terms thereafter.
34 Three members shall be selected to begin their term February 1, 2010, and shall serve until
35 January 31, 2013, and their successors shall serve for three-year terms thereafter.

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

41 (d) At the first meeting of the authority, the members shall elect a chairperson, a vice
42 chairperson, and a secretary-treasurer from its membership. Commencing in the year 2004,
43 at the first meeting of the authority in February of each year, the members shall elect a
44 chairperson, a vice chairperson, and a secretary-treasurer from its membership. The
45 chairperson shall preside at meetings of the authority. The vice chairperson shall preside at
46 meetings in the absence of the chairperson. In the absence of both the chairperson and vice
47 chairperson, the members present at a meeting shall elect a temporary chairperson to preside
48 at that meeting so long as the chairperson and vice chairperson both remain absent from the
49 meeting. Five members shall constitute a quorum. Official action may be taken by majority
50 vote of those members voting on a matter if a quorum is present and voting on such matter,
51 except that the bylaws of the authority may only be initially adopted or subsequently
52 amended by majority vote of all members. All members present at a meeting, including the
53 chairperson, vice chairperson, or any other member presiding at such meeting, shall be
54 entitled to vote on all matters that come before the meeting, except as otherwise provided in
55 subsection (e) of this section. No vacancy on the authority shall impair the right of the
56 quorum to exercise all the rights and perform all the duties of the authority.

57 (e) Members shall receive no compensation for their services as members of the authority
58 but may be reimbursed for their proper and reasonable expenses incurred in the performance
59 of their duties, subject to any limitations imposed by general law on the reimbursement of
60 public officials and subject to any limitations which may be contained from time to time in
61 the bylaws of the authority.

62 (f)(1) As used in this subsection, the term "substantial interest or involvement" means
63 any interest or involvement which reasonably may be expected to result in a direct
64 financial benefit to such member, as determined by the members by vote, which
65 determination shall be final and not subject to review.

66 (2) The provisions of Code Section 45-10-3 of the O.C.G.A. shall apply to the members
67 of the authority and a member of the authority shall not engage in any transaction with
68 the authority. The provisions of the immediately preceding sentence and the provisions
69 of paragraph (9) of such Code section shall be deemed to have been complied with and
70 the authority may purchase from, sell to, borrow from, loan to, contract with, or otherwise
71 deal with any member or any organization or person with which any member of the
72 authority is in any way interested or involved, provided that:

73 (A) Any interest or involvement by such members is disclosed in advance to the
74 members of the authority who will be voting on the matter or transaction and such
75 disclosure is recorded in the minutes of the authority;

76 (B) No member having such a substantial interest or involvement may be present at
77 that portion of any meeting of the board of members during which discussion of such
78 matter or transaction is conducted; and

79 (C) No member having a substantial interest or involvement may participate in any
80 decision of the board of members relating to any such matter or transaction. A member
81 who has any such substantial interest or involvement shall be entitled to participate in
82 discussions of whether such interest or involvement is a substantial interest or
83 involvement but shall not be entitled to vote on the question.

84 (3) Nothing contained in this subsection shall be deemed to prohibit any member from
85 providing legal services to the authority, being paid for such services and related
86 expenses, participating in discussions relating to his or her engagement, scope of services,
87 compensation, or related matters or from voting on such matters."

88 **SECTION 2.**

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