

Senate Bill 238

By: Senator Burke of the 11th

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To create the Bainbridge-Decatur County Recreation Authority and to authorize such  
 2 authority to provide recreational services throughout Decatur County; to provide a short title;  
 3 to provide for the membership and for the appointment of members of the authority; to define  
 4 relevant terms; to confer powers to develop and provide recreational programs, activities, and  
 5 services; to provide for employment of parks and recreation directors, supervisors,  
 6 superintendents, playground leaders, maintenance personnel, administrative personnel, and  
 7 any other personnel necessary for such purpose; to confer powers to lease, acquire, own,  
 8 construct, develop, provide, equip, maintain, and operate athletic and recreational centers,  
 9 facilities, and areas of all kinds, including, but not limited to, playgrounds, parks, swimming  
 10 pools, diving and wading pools, hiking and camping areas and facilities, picnicking areas and  
 11 facilities, lakes and ponds, tennis courts, athletic fields, athletic facilities and courts, fishing  
 12 and boating facilities, skateboarding facilities, bike trails, club houses, gymnasiums,  
 13 stadiums, auditoriums and amphitheaters, recreation centers and facilities, youth centers,  
 14 lands for open spaces, senior citizen centers, golf courses, equestrian facilities, and the usual  
 15 and convenient facilities, buildings, improvements, machinery, and equipment appertaining  
 16 thereto and any and all extensions, additions, and improvements of such facilities; to acquire  
 17 parking, concession, and dining facilities, and other property of any nature whatsoever  
 18 deemed by the authority to be necessary, convenient, or desirable, in connection therewith;  
 19 to acquire the necessary property therefor, both real and personal; and to lease, buy, and sell  
 20 any or all of such facilities, including real and personal property; to confer powers and to  
 21 impose duties on the authority; to authorize the authority to acquire by deed title to such  
 22 recreational facilities, to contract with others pertaining to such recreational facilities, to  
 23 execute leases on such facilities, to convey title to real property of the authority, and to do  
 24 all things deemed necessary or convenient for the operation of such undertakings; to  
 25 authorize the authority to lease such facilities from and to other political subdivisions, which  
 26 leases shall obligate the lessees to make payment for the use of such facilities for the term  
 27 thereof and to pledge to that purpose revenues derived from taxation; to provide that no debt  
 28 of Decatur County, the municipalities located therein, or other political subdivisions, within

29 the meaning of Article IX, Section III, Paragraph I of the Constitution of the State of  
 30 Georgia, shall be incurred by exercise of the powers granted; to authorize the issuance of  
 31 revenue bonds or obligations of the authority and the provision of security for the payment  
 32 thereof; to grant the authority and its members certain immunities; to fix the venue or  
 33 jurisdiction of actions; to provide for budgets and procedures in connection therewith; to  
 34 provide for audits; to provide for funding; to provide for conveyance of property upon  
 35 dissolution; to provide for construction of this Act; to provide for related matters; to provide  
 36 for activation of the authority; to provide an effective date; to repeal conflicting laws; and  
 37 for other purposes.

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

39 **SECTION 1.**

40 This Act shall be known and may be cited as the "Bainbridge-Decatur County Recreation  
 41 Authority Act."

42 **SECTION 2.**

43 (a) There is created a body corporate and politic to be known as the Bainbridge-Decatur  
 44 County Recreation Authority, which shall be deemed to be a political subdivision of the State  
 45 of Georgia and a public corporation. By that name, style, and title, such body may contract  
 46 and be contracted with, sue and be sued, implead and be impleaded, and complain and defend  
 47 in all courts of law and equity, except that the authority shall in no event be liable for any  
 48 torts committed by any of the respective officers, agents, and employees of the authority.  
 49 The authority shall have its principal office in Decatur County, and its legal situs or residence  
 50 for the purposes of this Act shall be Decatur County. The scope of the authority's operation  
 51 shall be limited to the territory embraced within Decatur County. The authority is granted  
 52 the same exemptions and exclusions from taxes as are now granted to cities and counties for  
 53 the operation of facilities similar to facilities to be owned or operated by the authority as  
 54 provided under the provisions of this Act.

55 (b) The authority shall consist of six members, with three members to be appointed by a  
 56 majority vote of the Board of Commissioners of Decatur County and three members to be  
 57 appointed by a majority vote of the mayor and council of the City of Bainbridge. The county  
 58 administrator for Decatur County and the city manager for the City of Bainbridge shall be  
 59 non-voting, ex officio members of the authority. The respective governing authority shall  
 60 appoint the initial members of the authority on or before July 1, 2015.

61 (c) To be eligible for membership on the authority, a person shall be 21 years of age, shall  
 62 have been a resident of Decatur County for at least two years, shall reside in Decatur County

63 during his or her membership, and shall not hold an elected or appointed public office in  
64 Decatur County or any of its municipalities at the time of the appointment.

65 (d) The terms of the membership of the authority members shall be as follows: one of  
66 Decatur County's initial three appointees and one of the City of Bainbridge's initial three  
67 appointees shall serve a term to expire December 31, 2016. One of Decatur County's initial  
68 three appointees and one of the City of Bainbridge's initial three appointees shall serve a term  
69 to expire December 31, 2017. One of Decatur County's initial three appointees and one of  
70 the City of Bainbridge's initial three appointees shall serve a term to expire  
71 December 31, 2018. Thereafter, all appointees shall serve a term of three years. Members  
72 may succeed themselves in office.

73 (e) The members of the authority shall enter upon their duties immediately upon their  
74 appointment.

75 (f) The office of any member of the authority shall be declared vacant upon a determination  
76 by a majority of the members of the authority that such authority member has been, while  
77 in office, arrested for or convicted of a felony, a misdemeanor of a high and aggravated  
78 nature, or a crime involving moral turpitude; has moved such member's residence from  
79 Decatur County; or has been elected or appointed to another public office during the term of  
80 the appointment during such member's term of office. The authority shall be authorized to  
81 remove from office any member of the authority by a two-thirds' vote in the event that such  
82 member of the authority is found to be guilty of misfeasance or malfeasance in office, is  
83 found to have failed to attend three or more successive regular meetings of the authority  
84 without a reasonable excuse approved by a resolution adopted by the authority, or who is  
85 found to have engaged in actions or activities which are detrimental to the carrying out of the  
86 duties and obligations of the authority.

87 (g) Any vacancy on the authority shall be filled within 60 days through appointment by a  
88 majority vote of the governing authority that had appointed the authority member whose  
89 resignation, removal, or ineligibility resulted in such vacancy. The person so appointed shall  
90 serve for the remainder of the unexpired term.

91 (h) At the inception of the authority and during the month of January of each year thereafter  
92 except as hereinafter provided, the authority shall elect, as provided in this Act, one of its  
93 members as chairperson, vice chairperson, and a secretary-treasurer. Such officers shall  
94 serve a term of one year beginning on the date of their election and ending December 31 of  
95 the same year, or until their successors are duly elected and qualified. The first chairperson  
96 shall be elected by a majority vote of the members who are appointed by the Board of  
97 Commissioners of Decatur County. The first vice chairperson shall be elected by a majority  
98 vote of the members who are appointed by the Mayor and Council of the City of Bainbridge.  
99 The secretary-treasurer shall be elected by a majority vote of the members of the authority.

100 The first chairperson, vice chairperson, and secretary-treasurer shall serve until  
101 December 31, 2016. Thereafter, in years ending with odd numbers, the chairperson shall be  
102 elected by a majority vote of the members appointed by the Mayor and Council of the City  
103 of Bainbridge, and the vice chairperson shall be elected by a majority vote of the members  
104 of the authority appointed by the Board of Commissioners of Decatur County. In the years  
105 ending with even numbers, the chairperson shall be elected by a majority vote of the  
106 members appointed by the Board of Commissioners of Decatur County, and the vice  
107 chairperson shall be elected by a majority vote of the members of the authority appointed by  
108 the Mayor and Council of the City of Bainbridge. The chairperson shall have such powers  
109 and duties as granted from time to time by resolution of the authority. When the vice  
110 chairperson is acting on behalf of the chairperson, the vice chairperson shall have the same  
111 duties and powers of the chairperson. The chairperson shall only have the right to vote on  
112 any matter coming before the authority when necessary to break a tie between the governing  
113 members of the authority.

114 (i) The authority shall meet at least once monthly for the transaction of business. The  
115 authority may convene in special meetings on the call of the chairperson. If the chairperson  
116 is unable or fails to call a special meeting upon request of an authority member, the authority  
117 may convene a special meeting upon call by a majority of its members.

118 (j) A majority of the members of the authority shall constitute a quorum, but no action may  
119 be taken by the members of the authority without the affirmative vote of a majority of the full  
120 membership of the authority. No vacancy on the authority shall impair the right of the  
121 quorum to exercise all the rights and perform all the duties of the authority.

122 (k) The authority shall make bylaws and other rules and regulations for its own governance,  
123 which may include the use of Robert's Rules of Order, and may amend such rules and  
124 regulations by a majority vote of the authority. The authority may delegate to one or more  
125 of its officers, agents, or employees such powers and duties as may be deemed necessary and  
126 proper.

127 (l) The members of the authority shall receive no compensation for their services but shall  
128 be reimbursed from any available funds for their actual and necessary expenses incurred in  
129 the performance of their duties.

130 (m) No member of the authority shall have, directly or indirectly, any financial interest,  
131 profit, or benefit in any contract, work, or business of the authority, nor in the sale, lease, or  
132 purchase of any property to or from the authority unless:

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

135 (2) Such member having any such interest, profit, or benefit is not present during that  
 136 portion of an authority meeting when such contract, work, business, sale, lease, or  
 137 purchase is being discussed; and

138 (3) Such member having such interest, profit, or benefit does not participate in any  
 139 decision of the authority relating to such matter.

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

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

145 (o) The authority shall have perpetual existence.

146 **SECTION 3.**

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

148 (1) "Authority" shall mean the Bainbridge-Decatur County Recreation Authority created  
 149 in Section 2 of this Act.

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

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

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

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

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

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

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

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

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

169 The cost of a project may also include the payment of any loan made for the advance  
 170 payment of any part of such cost, including interest thereon, and the costs of funding any

171 debt service reserve or other reserves, as may be reasonably required by the authority  
172 with respect to the financing or operation of any project. Any obligation or expense  
173 incurred for any of the purposes outlined in this paragraph shall be regarded as part of the  
174 cost of the project and may be paid or reimbursed as such out of the proceeds of revenue  
175 bonds, notes, or other obligations of the authority issued pursuant to this Act.

176 (3) "Project" shall mean and include the acquisition, construction, installation,  
177 modification, renovation, rehabilitation, equipping, maintenance, and operation of parks,  
178 athletic, and recreational centers, facilities, and areas of any and all kinds including, but  
179 not limited to, playgrounds, parks, swimming pools, diving and wading pools, hiking and  
180 camping areas and facilities, picnicking areas and facilities, lakes and ponds, tennis  
181 courts, athletic fields, athletic facilities, athletic courts, fishing and boating facilities,  
182 skateboarding facilities, bike trails, club houses, gymnasiums, stadiums, auditoriums and  
183 amphitheaters, recreation centers and facilities, youth centers, lands for open space,  
184 senior citizen centers, golf courses, and equestrian facilities; the usual and convenient  
185 facilities, buildings, improvements, machinery, and equipment appertaining thereto and  
186 any and all extensions, additions, and improvements of such facilities; the acquisition,  
187 construction, installation, modification, renovation, rehabilitation, equipping,  
188 maintenance, and operation of any parking, concession, and dining facilities thereto; and  
189 other property of any nature whatsoever including, without limitation, land, buildings,  
190 improvements, structures, machinery, equipment, and furniture or areas, deemed by the  
191 authority to be necessary, convenient, or desirable in connection with any such parks,  
192 athletic, or recreational centers, facilities, and areas.

193 (4) "Revenue bonds" and "bonds" mean revenue bonds as defined and provided for in  
194 Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," and which  
195 may be issued by the authority as authorized under such article and any amendments  
196 thereto.

197 (b) Any project shall be deemed "self liquidating" if, in the judgment of the authority, the  
198 revenues and earnings to be derived by the authority therefrom, including the anticipated  
199 revenues and earnings from the lease of any project, and all properties used, leased, and sold  
200 in connection therewith shall be sufficient to pay the cost of acquiring, operating,  
201 maintaining, repairing, improving, or extending the project and to pay the principal of and  
202 interest on the revenue bonds or other obligations that may be issued to finance, in whole or  
203 in part, the cost of such project or projects.

204

**SECTION 4.**

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

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

241 (9) To sell, convey, or assign any real or personal property, contract rights, revenues,  
242 income, tolls, charges, or fees owned or received by the authority, provided that such  
243 conveyance or assignment is not prohibited by the deed of such property to the authority  
244 or otherwise prohibited by other contract of the authority;

245 (10) To make, execute, and perform all contracts, leases, agreements, and other  
246 instruments deemed by the authority to be necessary or convenient in connection with the  
247 exercise by the authority of any of its powers, including contracts for the acquisition and  
248 construction of projects and leases of projects and contracts with respect to the use of  
249 projects which the authority causes to be erected or acquired. Such contracts may be  
250 made with any and all persons, firms, and corporations and with Decatur County or any  
251 municipality located in Decatur County, and with the State of Georgia, or any and all of  
252 its political subdivisions, departments, institutions, or agencies, all of whom are  
253 authorized to enter into contracts, leases, agreements, or instruments with the authority  
254 upon such terms and for such purposes as they deem advisable. Without limiting the  
255 generality of this paragraph, authorization is specifically granted to municipal  
256 corporations and counties and to the authority to enter into contracts, leases, and  
257 sublease-agreements with the State of Georgia, or any agencies or departments thereof,  
258 relative to any project or any property which such departments or agencies of the State  
259 of Georgia have now or may hereafter obtain by lease from the United States  
260 government, or any agencies or departments thereof, and the authority is specifically  
261 authorized to convey title in fee simple to any and all of its lands and any improvements  
262 thereon to any persons, firms, corporations, or municipalities or to the State of Georgia  
263 or to the United States government, or any agencies or departments thereof, subject to the  
264 rights and interest of the holders of any of the bonds or obligations issued pursuant to this  
265 Act and by the resolution or trust indenture of the authority authorizing the issuance of  
266 any of its bonds or obligations as provided in this Act, provided that such conveyance is  
267 not prohibited by the deed of such property to the authority or otherwise prohibited by  
268 other contract of the authority;

269 (11) To construct, erect, acquire, own, repair, remodel, renovate, rehabilitate, maintain,  
270 add to, extend, improve, equip, operate, and manage projects as defined in this Act, on  
271 land owned or leased by the authority or on land owned or leased by others, and to pay  
272 all or part of the cost of any such project from the proceeds of revenue bonds or  
273 obligations or other funds of the authority or from such proceeds or other funds or any  
274 contributions or grants from any person, firm, or corporation or from the United States  
275 of America, or any political subdivision thereof, the State of Georgia, or any political  
276 subdivision thereof, or any agency or instrumentality of any of the foregoing, all of which  
277 the authority is authorized to receive, accept, and use;



- 278 (12) To accept and administer gifts, devises and grants of money, materials, or property  
279 of any kind and to administer trusts;
- 280 (13) To borrow money for any of its corporate purposes and to execute and deliver notes,  
281 revenue bonds, and other evidences of such indebtedness and to use the proceeds thereof  
282 to pay all or any part of the cost of any project or refunding any outstanding indebtedness  
283 of the authority or to pay any other cost or expense of the authority incident to or  
284 necessary and appropriate to carry out the purposes of this Act;
- 285 (14) As security for the repayment of any indebtedness or other obligations of the  
286 authority, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any  
287 property, real or personal, of the authority and any income or revenues generated  
288 therefrom or otherwise, and to execute any trust agreement, indenture, security deed,  
289 mortgage, or security agreement containing any provisions not in conflict with law,  
290 provided that such trust agreement, indenture, security deed, mortgage, or security  
291 agreement, is not prohibited by the deed of such property to the authority or otherwise  
292 prohibited by other contract of the authority, which trust agreement, indenture, security  
293 deed, mortgage, or security agreement may provide for judicial or nonjudicial foreclosure  
294 or forced sale of any property of the authority upon default on such obligations, either in  
295 payment of any amount due and owing thereunder, or in the performance or satisfaction  
296 of any term or condition, as are contained in such trust agreement, indenture, security  
297 deed, mortgage or security agreement. The State of Georgia, on behalf of itself and each  
298 county, municipal corporation, political subdivision, or taxing district therein, waives any  
299 right which it or such county, municipal corporation, political subdivision, or taxing  
300 district may have to prevent the foreclosure or forced sale of any property of the authority  
301 so mortgaged or encumbered, and any such mortgage or encumbrance may be foreclosed  
302 in accordance with law and the terms thereof;
- 303 (15) To exercise any power usually possessed by private corporations performing similar  
304 functions which is not in conflict with the Constitution or laws of this state;
- 305 (16) To do all things necessary or convenient to carry out the powers expressly given in  
306 this Act; and
- 307 (17) To extend credit or make loans to any governmental body including, without  
308 limitation, Decatur County or any municipal corporation located therein for the planning,  
309 design, construction, acquisition, or carrying out of any project, which credit or loans  
310 may be secured by loan agreements, mortgages, security deeds, security agreements,  
311 contracts, and any other instruments, fees, or charges, and upon such terms and  
312 conditions, as the authority shall determine to be reasonable in connection with such  
313 loans.

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

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

325

#### **SECTION 5.**

326 The authority, or any other authority or body which has or which may in the future succeed  
327 to the powers, duties, and liabilities vested in the authority created by this Act, shall have the  
328 power and is authorized at any time, or from time to time, to provide by resolution for the  
329 issuance of negotiable revenue bonds or other notes, bond anticipation notes, or other  
330 evidences of indebtedness for the purpose of paying all or any part of the cost of any one or  
331 more projects or refunding any outstanding obligations of the authority. Such bonds or other  
332 debt instruments shall be dated and shall bear interest at such rate or rates, shall be payable  
333 on such dates, and shall otherwise have such terms and conditions as shall be determined by  
334 the authority. All revenue bonds shall be issued pursuant to and in conformity with Article 3  
335 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," and all procedures  
336 pertaining to such issuance and the conditions thereof shall be the same as those contained  
337 in the Revenue Bond Law and any amendments thereto.

338

#### **SECTION 6.**

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

343

#### **SECTION 7.**

344 Any revenue bonds or other debt instruments issued under the provisions of this Act shall not  
345 be deemed to constitute a debt of the State of Georgia, Decatur County, or any municipality  
346 within Decatur County or a pledge of the faith and credit thereof; provided, however, that  
347 such debt shall be payable solely from the rentals, revenues, earnings, and funds of the

348 authority as provided in the resolution or contract authorizing the issuance and securing the  
349 payment of such bonds or other instruments. The issuance of such revenue bonds or other  
350 debt instruments shall not directly, indirectly, or contingently obligate the state or any  
351 political subdivision thereof, including Decatur County and the municipalities within Decatur  
352 County, to levy or to pledge any form of taxation whatsoever therefor or to make any  
353 appropriation for their payment, and all such bonds or other debt instruments shall contain  
354 recitals on their face covering substantially the foregoing provisions of this section.  
355 However, Decatur County, the municipalities within Decatur County, or any other political  
356 subdivision of the State of Georgia contracting with the authority may obligate itself to pay  
357 the amounts required under any contract entered into with the authority from funds received  
358 from taxes to be levied and collected for that purpose to the extent necessary to pay the  
359 obligations contractually incurred under this section and from any other source. The  
360 obligation to make such payments may constitute a general obligation and a pledge of the full  
361 faith and credit of the obligor but shall not constitute a debt of the obligor within the meaning  
362 of Article IX, Section V, Paragraph I of the Constitution of the State of Georgia. When  
363 under any such contract payments are obligated to be made from taxes to be levied for that  
364 purpose, then the obligation to levy and collect such taxes from year to year in an amount  
365 sufficient to fulfill and fully comply with the terms of such contract shall be mandatory.

366

**SECTION 8.**

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

375

**SECTION 9.**

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

383 **SECTION 10.**

384 Any action to protect or enforce any rights under the provisions of this Act or any suit or  
385 action against such authority shall be brought in the Superior Court of Decatur County.

386 **SECTION 11.**

387 All funds received pursuant to this Act, whether as proceeds from the sale of revenue bonds  
388 or other debt instruments or obligations, or as loans, revenue, rents, fees, charges, or other  
389 earnings, or as grants, gifts, or other contributions, shall be deemed to be trust funds to be  
390 held and applied by the authority solely as provided in this Act.

391

392 **SECTION 12.**

393 (a) The authority shall be funded by the Board of Commissioners of Decatur County from  
394 county-wide revenues based on a dedicated county-wide millage to be shown as a separate  
395 line item on annual property tax bills. The minimum dedicated millage for fiscal  
396 years 2015-2016 and 2016-2017 shall be 1.5 mills of the county-wide digest and 1.25 each  
397 fiscal year thereafter. The Board of Commissioners of Decatur County may in its discretion  
398 fund the authority in any fiscal year in an amount in excess of said mills of the county-wide  
399 digest.

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

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

412 (d) The authority may contract for legal, financial, and auditing services but only with  
413 attorneys, financial advisors, and auditors, other than those employed by Decatur County or  
414 any of the municipalities located therein.

415 **SECTION 13.**

416 (a) The authority is authorized to appoint, select, and employ officers, agents, and employees  
417 to adopt rules regulations governing their services, fix their respective compensations and

418 terms of employment, and to contract with other entities for the provision of personnel  
419 employed by such other entities to be provided on behalf of the authority, provided that such  
420 personnel shall be subject to all rules and regulations of the authority governing the services  
421 and compensation of employees of the authority.

422 (b) The authority shall notify the City of Bainbridge of the number of employees that it will  
423 require to properly operate the facilities and programs of the authority. The City of  
424 Bainbridge shall transfer such employees as it does not need to perform its other public  
425 operations to the authority. Upon transfer of the employee to the authority, the employee  
426 shall become an employee of the authority and no longer an employee of the city.

427 (c) The authority will use its best efforts to adopt a benefit plan so that the former city  
428 employee's benefit plan existing on date of transfer of the employee from the city to the  
429 authority will not be lost or reduced.

430 (d) The transfer of employees shall be completed on or before December 31, 2016.

431 **SECTION 14.**

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

434 **SECTION 15.**

435 When the authority for any reason is dissolved after full payment of all indebtedness incurred  
436 under the provisions of this Act, both as to principal and interest, title to any property held  
437 by the authority shall be conveyed prior to such dissolution in accordance with provisions  
438 which may be made therefor in any deed of such property to the authority, including any  
439 deed or other conveyance document by which such property was conveyed to the authority  
440 by Decatur County or any city located therein, or title to all property of any kind and nature,  
441 real and personal, held by the authority at the time of such dissolution, shall be conveyed to  
442 Decatur County, subject to any liens, leases, or other encumbrances outstanding against or  
443 in respect to said property at the time of such conveyance.

444 **SECTION 16.**

445 The authority shall become active on July 1, 2015. The authority shall begin providing  
446 recreational services no later than July 1, 2016.

447 **SECTION 17.**

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

450

**SECTION 18.**

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