

House Bill 1124

By: Representative Pirkle of the 155th

A BILL TO BE ENTITLED
AN ACT

1 To reconstitute the Ocilla-Irwin County Industrial Development Authority; to provide for
2 powers, authority, funds, purposes, and procedures connected therewith; to repeal the
3 amendment to the Constitution of Georgia creating the previous Ocilla-Irwin County
4 Industrial Development Authority; to provide for a referendum with respect to the
5 effectiveness of the foregoing; to provide for contingent effective dates; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 PART I
9 SECTION 1-1.

10 There is hereby reconstituted the Ocilla-Irwin County Industrial Development Authority,
11 hereinafter referred to as the "Authority," which shall be a body corporate and politic. The
12 Authority shall be a successor in interest to the former Ocilla-Irwin County Industrial
13 Development Authority created by 1964 House Resolution No. 27-34, Resolution Act No.
14 7 (Ga. L. 1964, Ex. Sess., p. 356), and continued in force and effect by an Act approved
15 March 6, 1987 (Ga. L. 1987, p. 3817). The composition, duties, and powers of the Authority
16 shall be as described in this part.

17 SECTION 1-2.

18 As used herein, the following words and terms shall have the following meanings, unless a
19 different meaning clearly appears from the context:

- 20 (a) The word "Authority" shall mean the "Ocilla-Irwin County Industrial Development
21 Authority," created in this part.
- 22 (b) The word "Project" shall mean and include property, real or personal, acquired or held
23 by the Authority for the assistance, promotion, establishment, or development of a new
24 industry or industries, or the assistance, promotion, or expansion of existing industry, trade,

or commerce in Irwin County, or any combination thereof, the acquisition of any such property for any such purpose or purposes; the improvement of any such property or properties; or the construction, installation, or expansion of one or more buildings, plants, or articles of equipment for the purpose of using, selling, donating, leasing, or renting such land, properties, improvements, structures, or equipment to public or private persons, firms, corporations, or associations for such purposes.

(c) The term "Cost of project" shall mean the cost of lands, buildings, improvements, machinery, equipment, properties, easements, rights, franchises, materials, labor, and services acquired or contracted for; the cost of financing charges or interest prior to and during construction; architectural, accounting, engineering, inspection, fiscal, or legal expenses; cost of plans or specifications; or any other expenses necessary or incident to construction or improvements, or to determining the feasibility or practicability of the project, administrative expenses, or the acquisition, construction, equipping, or operating of any project or any part thereof.

SECTION 1-3.

The Authority shall consist of six members, who shall be eligible for reappointment. The chairperson of the board of commissioners of roads and revenues of Irwin County shall appoint himself or herself, one other member of the board, and one at large unelected person to the membership of the Authority. The mayor of the City of Ocilla shall appoint himself or herself, one member of the city council, and one at large unelected person to membership on the Authority. The terms of office of members of the governing authorities of Irwin County and the City of Ocilla appointed to membership on the Authority shall be concurrent with their respective terms as members of said governing authorities, and the term of office of each member appointed by the chairperson of the board of commissioners of roads and revenues of Irwin County and the mayor of the City of Ocilla shall be concurrent with the term of his or her respective appointing member. Vacancies for unexpired terms shall be filled by the chairperson of the board of commissioners of roads and revenues or the mayor of the City of Ocilla in the same manner as appointments. A majority of the directors shall constitute a quorum and the majority may act for the Authority in any manner. No vacancy shall impair the power of the Authority to act in the presence of a quorum.

SECTION 1-4.

The members of the Authority shall elect one of their members as chairperson and another as vice chairperson, and shall also elect a secretary and a treasurer or a secretary-treasurer. The members shall receive no compensation for their services, but shall be reimbursed for their actual reasonable expenses incurred in the performance of their duties. The Authority

60 shall make bylaws and regulations for its government and may delegate to one or more of its
61 members or its officers, agents, and employees such powers and duties as may be deemed
62 necessary and proper.

63 **SECTION 1-5.**

64 The property obligations and the interest obligations of the Authority shall have the same
65 immunity from taxation as the property obligations and interest on the obligations of Irwin
66 County. The exemption from taxation provided in this part shall not extend to tenants or
67 lessees of the Authority.

68 **SECTION 1-6.**

69 The Authority shall have all the powers necessary or convenient to carry out and effectuate
70 the purposes and provisions of this amendment, including, but without limiting the generality
71 of the foregoing, the power:

- 72 (1) To sue and be sued;
- 73 (2) To adopt and amend a corporate seal;
- 74 (3) To make and execute contracts and other instruments necessary to exercise the
75 powers of the Authority, any of which contracts may be made with Irwin County or the
76 City of Ocilla. Irwin County and the City of Ocilla are hereby authorized to enter into
77 contracts with the Authority;
- 78 (4) To receive and administer gifts, grants, and devises of any property and to administer
79 trusts;
- 80 (5) To acquire by purchase, gift, or construction of any real or personal property desired
81 to be acquired as part of any project or for the purpose of improving, extending, adding
82 to, reconstructing, renovating, or remodeling any project or part thereof already acquired,
83 or for the purpose of demolition to make room for such project or any part thereof;
- 84 (6) To sell, lease, exchange, transfer, assign, pledge, mortgage, or dispose of, or grant
85 options for any such purposes, any real or personal property or interest therein;
- 86 (7) To mortgage, pledge, or assign any revenues, income, tolls, charges, or fees received
87 by the Authority;
- 88 (8) To appoint officers and retain agents, engineers, attorneys, fiscal agents, accountants,
89 and employees and to provide their compensation and duties;
- 90 (9) To construct, acquire, own, repair, remodel, maintain, extend, improve, and equip
91 projects located on land owned or leased by the Authority, and to pay all or part of the
92 cost of any such project from the proceeds of revenue-anticipation bonds of the Authority
93 or from any contribution or loans by persons, firms, or corporations, or any other

contribution, all of which the Authority is hereby authorized to receive and accept and use;

(10) To issue revenue anticipation bonds for the purpose of paying all or any part of the cost of any project, including the cost of extending, adding to, or improving such project, or for the purpose of refunding any such bonds of the Authority theretofore issued. Such revenue anticipation bonds shall be issued and validated under and in accordance with the applicable provisions of general law, including the Georgia Revenue Bond Law, Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated, as amended, providing for the issuance of revenue anticipation bonds. As security for the payment of any revenue anticipation bonds so authorized, any property, real or personal, of the Authority may be pledged, mortgaged, conveyed, assigned, hypothecated, or otherwise encumbered and the Authority may execute any trust agreement or indenture containing any provisions not in conflict with the law for security of such bonds, which trust agreement or indenture may provide for foreclosure or forced sale of any property of the Authority upon default on such bonds either in payment of principal or interest or upon default in the performance of any term or condition contained in such agreement or indenture. The State of Georgia in behalf of the state and Irwin County and the City of Ocilla hereby waives any right the state, Irwin County, or the City of Ocilla may have to prevent the forced sale or foreclosure of any property of the Authority so mortgaged or encumbered and any such mortgage or encumbrance may be foreclosed in accordance with applicable law and the terms hereof. For purposes of the aforesaid judicial validation, the Authority shall be regarded as being located in Irwin County, and the Superior Court of Irwin County shall have jurisdiction and the requisite notices shall be published in Irwin County. If no exception is filed to the decree validating such bonds within 12 days from the date upon which such decree is entered, such decree shall be final and no appeal may be taken therefrom; and

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

SECTION 1-7.

The governing authority of Irwin County is hereby authorized to levy an annual ad valorem tax on all taxable property located within the unincorporated areas of Irwin County not to exceed two mills per dollar on assessed valuation, and the funds produced by such levy shall be used to aid and assist in the promotion of new industries and the expansion of agriculture, trade, and commerce.

SECTION 1-8.

The governing authority of the City of Ocilla is hereby authorized to levy an annual ad valorem tax on all taxable property located within the corporate limits of said city not to exceed two mills per dollar on assessed valuation, and the funds produced by such levy shall be used to aid and assist in the promotion of new industries and the expansion of agriculture, trade, and commerce.

SECTION 1-9.

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 the performance of the work of the Authority shall have the same immunity and exemption from liability for torts and negligence as the officers, agents, and employees of the State of Georgia when in the performance of their public duties of work of the state. The Authority may be sued the same as private corporations on any contractual obligation of the Authority.

SECTION 1-10.

The property of the Authority shall not be subject to levy and sale under legal process except such property, income, or funds as may be pledged, assigned, mortgaged, or conveyed to secure an obligation of the Authority, and any such property, funds, or income may be sold under legal process or under any power granted by the Authority to enforce payment of the obligation.

SECTION 1-11.

This Act is adopted for the purpose of promoting and expanding the public good and welfare and industry and trade within the territorial limits of Irwin County and reduce unemployment to the greatest extent possible, and this Act shall be liberally construed for the accomplishment of this purpose.

SECTION 1-12.

The scope of its operations of the authority shall be limited to the territory embraced within Irwin County.

SECTION 1-13.

There shall be no limitation upon the amount of debt which the Authority may incur, but no debt created by the Authority shall be a debt of the State of Georgia, Irwin County, or the City of Ocilla.

SECTION 1-14.

Should the Authority for any reason be dissolved, title to all property of any kind and nature, real and personal, held by the Authority at the time of such dissolution shall be conveyed to be held jointly by Irwin County and the City of Ocilla, subject to any mortgages, liens, leases, or other encumbrances outstanding against or in respect to said property at that time.

PART II**SECTION 2-1.**

The amendment to the Constitution of Georgia creating the Ocilla-Irwin County Industrial Development Authority, which amendment was proposed by 1964 House Resolution No. 27-34, Resolution Act No. 7 (Ga. L. 1964, Ex. Sess., p. 356), and was continued in force and effect by an Act approved March 6, 1987 (Ga. L. 1987, p. 3817), is hereby repealed.

SECTION 2-2.

That Act, continuing in force and effect an amendment to the Constitution of Georgia creating the Ocilla-Irwin County Industrial Development Authority, approved March 6, 1987 (Ga. L. 1987, p. 3817), is hereby repealed.

PART III**SECTION 3-1.**

The election superintendent of Irwin County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Irwin County for approval or rejection. The election superintendent shall conduct such election on the Tuesday next following the first Monday in November, 2016. The election superintendent shall issue the call and conduct such election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Irwin County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which reconstitutes the Ocilla-Irwin County Industrial Development Authority contingent upon the repeal of the () NO amendment to the Constitution of Georgia creating the Ocilla-Irwin County Industrial Development Authority?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Parts I and II of this Act shall become of full force

192 and effect on December 31, 2016. If this Act is not so approved or if the election is not
193 conducted as provided in this section, Parts I and II of this Act shall not become effective,
194 and this Act shall be automatically repealed on January 1, 2017. The expense of such
195 election shall be borne by Irwin County. It shall be the election superintendent's duty to
196 certify the result thereof to the Secretary of State.

197 **PART IV**

198 **SECTION 4-1.**

199 Except as otherwise provided in Section 3-1 of this Act, this Act shall become effective upon
200 its approval by the Governor or upon its becoming law without such approval.

201 **SECTION 4-2.**

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