

House Bill 850

By: Representatives Gilliard of the 162nd, Petrea of the 166th, Stephens of the 165th, Gordon of the 163rd, and Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To create the Savannah State Farmers Market Authority; to define certain terms; to provide
2 for a board of trustees, appointment of members, and meetings; to provide for powers, duties,
3 and purpose; to authorize the issuance of revenue bonds of the authority and to authorize the
4 collection for the payment of such revenue bonds; to make the revenue bonds of the authority
5 exempt from taxation; to fix and provide the venue and jurisdiction of actions relating to any
6 provisions of this Act; to provide for the validation of bonds; to provide for related matters;
7 to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Short title.

11 This Act shall be known and may be cited as the "Savannah State Farmers Market Authority
12 Act."

13 **SECTION 2.**

14 Savannah State Farmers Market Authority.

15 (a) There is created a public body corporate and politic to be known as the "Savannah State
16 Farmers Market Authority," which shall be deemed to be a political subdivision of the state
17 and a public corporation, and by that name, style, and title said body may contract and be
18 contracted with, sue and be sued, implead and be impleaded, and complain and defend in all
19 courts of law and equity. The authority shall have perpetual existence.

20 (b) The authority shall be governed by a board of trustees consisting of a chairperson and
21 nine members. The chairperson shall be selected by majority vote of the Chatham County
22 Delegation to the General Assembly of Georgia. Two members each shall be appointed by
23 the governing authorities of Chatham County, the City of Garden City, and the City of

24 Savannah. Three members shall be appointed by the Chatham County Delegation to the
 25 General Assembly of Georgia. The chairperson and members shall serve terms of four years.

26 **SECTION 3.**

27 Definitions.

28 As used in this Act, the term:

29 (1) "Authority" means the Savannah State Farmers Market Authority created by this Act.

30 (2) "Board" means the board of trustees of the Savannah State Farmers Market
 31 Authority.

32 (3) "Costs of the project" means and embraces the cost of construction; the cost of all
 33 lands, properties, rights, easements, and franchises acquired; the cost of all machinery and
 34 equipment; financing charges; interest prior to and during construction and for six months
 35 after completion of construction; the cost of engineering, architectural, fiscal agents,
 36 accounting, legal expenses, plans, specifications, and other expenses necessary or
 37 incidental to determining the feasibility or practicability of the project; administrative
 38 expenses and such other expenses as may be necessary or incident to the financing herein
 39 authorized; working capital; and all other costs necessary to acquire, construct, add to,
 40 extend, improve, equip, operate, and maintain the project.

41 (4) "Project" means any undertaking permitted by the revenue bond law.

42 (5) "Revenue bond law" means the revenue bond laws of the State of Georgia found at
 43 Article 3 of Chapter 82 of Title 36 of the O.C.G.A. or any other similar law hereinafter
 44 enacted.

45 (6) "Revenue bonds" means revenue bonds authorized to be issued pursuant to this Act.

46 (7) "Self liquidating" means any project which the revenues and earnings to be derived
 47 by the authority therefrom, including, but not limited to, any contractual payments with
 48 governmental or private entities, and all properties used, leased, and sold in connection
 49 therewith, together with any grants, will be sufficient to pay the costs of operating,
 50 maintaining, and repairing the project and to pay the principal and interest on the revenue
 51 bonds or other obligations which may be issued for the purpose of paying the costs of the
 52 project.

53 (8) "State" means the State of Georgia.

54 **SECTION 4.**

55 Powers.

56 The authority shall have the power:

- 57 (1) To have a seal and alter the same at its pleasure;
- 58 (2) To accept loans or grants of money or materials or property of any kind from the
59 United States of America or any agency or instrumentality thereof, upon such terms and
60 conditions as the United States of America or such agency or instrumentality may
61 require;
- 62 (3) To accept loans or grants of money or materials or property of any kind from the state
63 or any agency or instrumentality or political subdivision thereof, upon such terms and
64 conditions as the state or such agency or instrumentality or political subdivision may
65 require;
- 66 (4) To accept loans or grants of money or materials or property of any kind from private
67 corporations, individuals, and entities, upon such terms and conditions as such private
68 corporations, individuals, and entities may require;
- 69 (5) To administer funds under its control;
- 70 (6) To acquire by purchase, lease, gift, condemnation, or otherwise, and to hold, operate,
71 maintain, lease, and dispose of real and personal property of every kind and character for
72 its corporate purposes;
- 73 (7) To contract for the construction of buildings and facilities and to use, sell, or lease
74 such buildings and facilities to accomplish the purposes of the authority;
- 75 (8) To acquire in its own name by purchase, on such terms and conditions and in such
76 manner as it may deem proper, or by condemnation in accordance with the provisions of
77 any and all existing laws applicable to the condemnation of property for public use, real
78 property or rights or easements therein, or franchises necessary or convenient for its
79 corporate purposes, and to use the same so long as its corporate existence shall continue,
80 and to lease or make contracts with respect to the use of or dispose of the same in any
81 manner it deems to the best advantage of the authority, the authority being under no
82 obligation to accept and pay for any property condemned under this Act, except from the
83 funds provided under the authority of this Act, and in any proceedings to condemn, such
84 orders may be made by the court having jurisdiction of the suit, action, or proceedings
85 as may be just to the authority and to the owners of the property to be condemned, and
86 no property shall be acquired under the provisions of this Act upon which any lien or
87 encumbrance exists, unless at the time such property is so acquired a sufficient sum of
88 money is to be deposited in trust to pay and redeem the fair value of such lien or
89 encumbrances;
- 90 (9) To appoint, select, and employ officers, agents, and employees, including
91 engineering, architectural, and construction experts, fiscal agents, and attorneys, and fix
92 their respective compensations;

93 (10) To execute contracts, leases, installment sale agreements, and other agreements and
 94 instruments necessary or convenient in connection with the acquisition, construction,
 95 addition, extension, improvement, equipping, operation, or maintenance of a project; and
 96 any and all persons, firms and corporations, Chatham County, the City of Garden City,
 97 and the City of Savannah, Georgia, are authorized to enter into contracts, leases,
 98 installment sale agreements, and other agreements or instruments with the authority upon
 99 such terms and for such purposes as they deem advisable and as they are authorized by
 100 law;

101 (11) To acquire, construct, add to, extend, improve, equip, hold, operate, maintain, lease,
 102 and dispose of projects;

103 (12) To pay the costs of the project with the proceeds of revenue bonds or other
 104 obligations issued by the authority or from any grant or contribution from the United
 105 States of America or any agency or instrumentality thereof or from the state or any
 106 agency or instrumentality or other political subdivision thereof or from any other source
 107 whatsoever;

108 (13) To borrow money for any of its corporate purposes and to issue revenue bonds, and
 109 to provide for the payment of the same and for the rights of the holders thereof;

110 (14) To exercise any power usually possessed by private corporations performing similar
 111 functions, including the power to incur short-term debt and to approve, execute, and
 112 deliver appropriate evidence of any such indebtedness; and

113 (15) To do all things necessary or convenient to carry out the powers expressly given in
 114 this Act.

115 **SECTION 5.**

116 Purpose of the authority.

117 Without limiting the generality of any provisions of this Act, the general purpose of the
 118 authority is:

119 (1) To formulate a master plan for an economic engine for a Savannah State Farmers
 120 Market that would encompass rural farmers from Chatham County and surrounding
 121 counties to earn revenue for their rich agricultural programs;

122 (2) To attract farmers from throughout the coast of Georgia to the Savannah State
 123 Farmers Market and participate in the vending of their fruits, vegetables, and other
 124 farm-grown merchandise for sale to the general public;

125 (3) To showcase Georgia's agricultural programs to include 4-H clubs, Georgia Grown
 126 products, county extension services, and agricultural economic opportunities; and

127 (4) To create a plan for a newly designed farmers market that would include farmers
128 market stalls, arts and crafts vendors, a commercial kitchen, and an entertainment stage
129 to be used to attract music and artists as a featured attraction of the market.

130 **SECTION 6.**

131 Meetings and public hearings.

132 The board shall meet at the call of the chairperson. In addition, the board shall hold such
133 public hearings as the board deems necessary to receive public comments relating to the
134 needs of the Savannah State Farmers Market and possible ways to address such needs. The
135 board shall consider, but shall not be bound by, such comments and suggestions.

136 **SECTION 7.**

137 Revenue bonds.

138 The authority, or any authority or body which has or which may in the future succeed to the
139 powers, duties, and liabilities vested in the authority created by this Act, shall have power
140 and is authorized to provide by resolution for the issuance of revenue bonds of the authority
141 for the purpose of paying all or any part of the costs of the project and for the purpose of
142 refunding revenue bonds or other obligations previously issued. The principal of and interest
143 on such revenue bonds shall be payable solely from the special fund provided for such
144 payment. The revenue bonds of each issue shall be dated, shall bear interest at such rate or
145 rates per annum, payable at such time or times, shall mature at such time or times not
146 exceeding 40 years from their date or dates, shall be payable in such medium of payment as
147 to both principal and interest as may be determined by the authority, and may be redeemable
148 before maturity, at the option of the authority, at such price or prices and under such terms
149 and conditions as may be fixed by the authority in the resolution for the issuance of such
150 revenue bonds.

151 **SECTION 8.**

152 Same, form, denomination, registration, place of payment.

153 The authority shall determine the form of the revenue bonds and shall fix the denomination
154 or denominations of the revenue bonds. The revenue bonds may be issued in coupon or
155 registered form, or both, as the authority may determine, and provision may be made for
156 registration and exchangeability privileges. The authority shall fix the place or places of
157 payment of principal and interest thereon.

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SECTION 9.

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Same, signatures, seal.

160 All such revenue bonds shall bear the manual or facsimile signature of the chairperson or
161 vice chairperson of the authority and the attesting manual or facsimile signature of the
162 secretary, assistant secretary, or secretary-treasurer of the authority, and the official seal of
163 the authority shall be impressed or imprinted thereon. Any coupons attached thereto shall
164 bear the manual or facsimile signatures of the chairperson or vice chairperson and the
165 secretary, assistant secretary, or secretary-treasurer of the authority. Any revenue bonds or
166 coupons attached thereto may bear the manual or facsimile signature of such persons as at
167 the actual time of the execution of such revenue bonds or coupons shall be duly authorized
168 or hold the proper office, although at the date of issuance of such revenue bonds such person
169 may not have been so authorized or shall not have held such office. In case any officer
170 whose signature shall appear on any revenue bond or any coupon shall cease to be such
171 officer before the delivery of such revenue bond, such signature shall nevertheless be valid
172 and sufficient for all purposes, the same as if that person had remained in office until such
173 delivery.

174

SECTION 10.

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Same, negotiability, exemption from taxation.

176 All revenue bonds shall have and are declared to have all the qualities and incidents of
177 negotiable instruments under the laws of the state. All revenue bonds, their transfer, and the
178 income therefrom shall be exempt from all taxation within the state.

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SECTION 11.

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Same, sale, price, proceeds.

181 The authority may sell revenue bonds in such manner and for such price as it may determine
182 to be in the best interest of the authority. The proceeds derived from the sale of revenue
183 bonds shall be used solely for the purpose or purposes provided in the resolutions and
184 proceedings authorizing the issuance of such revenue bonds.

185 **SECTION 12.**

186 Same, interim receipts and certificates or temporary bonds.

187 Prior to the preparation of any definitive revenue bonds, the authority may, under like
188 restrictions, issue interim receipts, interim certificates, or temporary revenue bonds, with or
189 without coupons, exchangeable for definitive revenue bonds upon the issuance of the latter.

190 **SECTION 13.**

191 Same, replacement of lost or mutilated bonds.

192 The authority may provide for the replacement of any revenue bonds or coupons which shall
193 become mutilated or be destroyed or lost.

194 **SECTION 14.**

195 Same, conditions precedent to issuance.

196 The authority shall adopt a resolution authorizing the issuance of the revenue bonds. In the
197 resolution, the authority shall determine that the project financed with the proceeds of the
198 revenue bonds is self liquidating. Revenue bonds may be issued without any other
199 proceedings or the happening of any other conditions or things other than those proceedings,
200 conditions, and things which are specified or required by this Act. Any resolution providing
201 for the issuance of revenue bonds under the provisions of this Act shall become effective
202 immediately upon its passage and need not be published or posted, and any such resolution
203 may be passed at any regular or special or adjourned meeting of the authority by a majority
204 of its members.

205 **SECTION 15.**

206 Credit not pledged.

207 Revenue bonds shall not be deemed to constitute a debt of Chatham County, the City of
208 Garden City, or the City of Savannah, Georgia, nor a pledge of the faith and credit of such
209 county or cities, but such revenue bonds shall be payable solely from the fund provided for
210 in this Act. The issuance of such revenue bonds shall not directly, indirectly, or contingently
211 obligate such county or cities to levy or to pledge any form of taxation whatsoever for
212 payment of such revenue bonds or to make any appropriation for their payment, and all such
213 revenue bonds shall contain recitals on their face covering substantially the foregoing
214 provisions of this section. Notwithstanding the foregoing provisions, this Act shall not affect

215 the ability of the authority and any political subdivision or municipality to enter into an
216 intergovernmental contract pursuant to which the political subdivision or municipality agrees
217 to pay amounts sufficient to pay operating charges and other costs of the authority or any
218 project including, without limitation, the principal of and interest on revenue bonds in
219 consideration for services or facilities of the authority.

220 **SECTION 16.**

221 Trust indenture as security.

222 In the discretion of the authority, any issuance of revenue bonds may be secured by a trust
223 indenture by and between the authority and a corporate trustee, which may be any trust
224 company or bank having the powers of a trust company inside or outside the state. Either the
225 resolution providing for the issuance of the revenue bonds or such trust indenture may
226 contain such provisions for protecting and enforcing the rights and remedies of the
227 bondholders as may be reasonable and proper and not in violation of law, including
228 covenants setting forth the duties of the authority in relation to the acquisition and
229 construction of the project, the maintenance, operation, repair, and insuring of the project,
230 and the custody, safeguarding, and application of all moneys.

231 **SECTION 17.**

232 To whom proceeds of bonds shall be paid.

233 In the resolution providing for the issuance of revenue bonds or in the trust indenture, the
234 authority shall provide for the payment of the proceeds of the sale of the revenue bonds to
235 any officer or person who, or any agency, bank, or trust company which, shall act as trustee
236 of such funds and shall hold and apply the same to the purposes thereof subject to such
237 regulations as this Act and such resolution or trust indenture may provide.

238 **SECTION 18.**

239 Sinking fund.

240 The moneys received pursuant to an intergovernmental contract and the revenues, fees, tolls,
241 charges, and earnings derived from any particular project or projects, regardless of whether
242 or not such revenues, fees, tolls, fines, charges, and earnings were produced by a particular
243 project for which revenue bonds have been issued, unless otherwise pledged and allocated,
244 may be pledged and allocated by the authority to the payment of the principal and interest
245 on revenue bonds of the authority as the resolution authorizing the issuance of the revenue

246 bonds or in the trust indenture may provide, and such funds so pledged from whatever source
 247 received shall be set aside at regular intervals as may be provided in the resolution or trust
 248 indenture into a sinking fund, which sinking fund shall be pledged to and charged with the
 249 payment of:

- 250 (1) The interest upon such revenue bonds as such interest shall fall due;
- 251 (2) The principal or purchase price of such revenue bonds as the same shall fall due;
- 252 (3) Any premium upon such revenue bonds as the same shall fall due;
- 253 (4) The purchase of such revenue bonds in the open market; and
- 254 (5) The necessary charges of the paying agent for paying principal and interest.

255 The use and disposition of such sinking fund shall be subject to such regulations as may be
 256 provided in the resolution authorizing the issuance of the revenue bonds or in the trust
 257 indenture, but, except as may otherwise be provided in such resolution or trust indenture,
 258 such sinking fund shall be maintained as a trust account for the benefit of all revenue bonds
 259 without distinction or priority of one over another.

260 SECTION 19.

261 Remedies of bondholders.

262 Any holder of revenue bonds or any of the coupons appertaining thereto, and the trustee
 263 under the trust indenture, if any, except to the extent the rights herein given may be restricted
 264 by resolution passed before the issuance of the revenue bonds or by the trust indenture, may,
 265 either at law or in equity, by suit, action, mandamus, or other proceedings, protect and
 266 enforce any and all rights under the laws of the state, including specifically but without
 267 limitation the revenue bond law, or granted hereunder or under such resolution or trust
 268 indenture, and may enforce and compel performance of all duties required by this Act or by
 269 such resolution or trust indenture to be performed by the authority or any officer thereof,
 270 including the fixing, charging, and collecting of revenues, fees, tolls, fines, and other charges
 271 for the use of the facilities and services furnished.

272 SECTION 20.

273 Validation.

274 Revenue bonds and the security therefor shall be confirmed and validated in accordance with
 275 the procedure of the revenue bond law. The petition for validation shall also make a party
 276 defendant to such action the state; any institution, department, or other agency thereof; and
 277 any county, municipality, school district, or other political subdivision or authority of the
 278 state which has contracted with the authority for services or facilities relating to the project

279 for which revenue bonds are to be issued and sought to be validated, and such defendant shall
280 be required to show cause, if any exists, why such contract or contracts shall not be
281 adjudicated as a part of the basis for the security for the payment of any such revenue bonds.
282 The revenue bonds when validated and the judgment of validation shall be final and
283 conclusive with respect to such revenue bonds and the security for the payment thereof and
284 interest thereon and against the authority and all other defendants.

285 **SECTION 21.**

286 Venue and jurisdiction.

287 Any action to protect or enforce any rights under the provisions of this Act or any suit or
288 action against such authority shall be brought in the Superior Court of Chatham County,
289 Georgia, and any action pertaining to validation of any revenue bonds issued under the
290 provisions of this Act shall likewise be brought in said court which shall have exclusive,
291 original jurisdiction of such actions.

292 **SECTION 22.**

293 Interest of bondholders protected.

294 While any of the revenue bonds issued by the authority remain outstanding, the powers,
295 duties, or existence of the authority or its officers, employees, or agents shall not be
296 diminished or impaired in any manner that will affect adversely the interests and rights of the
297 holders of such revenue bonds, and no other entity, department, agency, or authority will be
298 created which will compete with the authority to such an extent as to affect adversely the
299 interest and rights of the holders of such revenue bonds, nor will the state itself so compete
300 with the authority. The provisions of this Act shall be for the benefit of the authority and the
301 holders of any such revenue bonds and upon the issuance of such revenue bonds under the
302 provisions hereof shall constitute a contract with the holders of such revenue bonds.

303 **SECTION 23.**

304 Moneys received considered trust funds.

305 All moneys received pursuant to the authority of this Act, whether as proceeds from the sale
306 of revenue bonds, as grants or other contributions, or as revenue, income, fees, and earnings,
307 shall be deemed to be trust funds to be held and applied solely as provided in this Act.

308 **SECTION 24.**

309 Rates, charges, and revenues, use.

310 The authority is authorized to prescribe and fix rates and to revise the same from time to time
311 and to collect revenues, tolls, fees, and charges for the services, facilities, and commodities
312 furnished and, in anticipation of the collection of the revenues, to issue revenue bonds or
313 other types of obligations as herein provided to finance, in whole or in part, the costs of the
314 project and to pledge to the punctual payment of said revenue bonds or other obligations all
315 or any part of the revenues.

316 **SECTION 25.**

317 Rules, regulations, service policies, and
318 procedures for operation of projects.

319 It shall be the duty of the authority to prescribe or cause to be prescribed rules, regulations,
320 service policies, and procedures for the operation of any project or projects constructed or
321 acquired under the provisions of this Act. The authority may adopt bylaws.

322 **SECTION 26.**

323 Tort immunity.

324 To the extent permitted by law, the authority shall have the same immunity and exemption
325 from liability for torts and negligence as Chatham County, the City of Garden City, and the
326 City of Savannah, Georgia; and the officers, agents, and employees of the authority when in
327 the performance of the work of the authority shall have the same immunity and exemption
328 from liability for torts and negligence as the officers, agents, and employees of Chatham
329 County, the City of Garden City, and the City of Savannah, Georgia, when in the
330 performance of their public duties or the work of such county or cities.

331 **SECTION 27.**

332 Tax-exempt status of the authority.

333 The properties of the authority, both real and personal, are declared to be public properties
334 used for the benefit and welfare of the people of the state and not for purposes of private or
335 corporate benefit and income, and such properties and the authority shall be exempt from all
336 taxes and special assessments of any municipality, county, or the state and any political
337 subdivision thereof.

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SECTION 28.

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Effect on other governments.

340 This Act shall not and does not in any way take from Chatham County, the City of Garden
341 City, or the City of Savannah, Georgia, or any political subdivision or municipality the
342 authority to own, operate, and maintain public facilities or to issue revenue bonds as provided
343 by the revenue bond law.

344

SECTION 29.

345

Liberal construction of Act.

346 This Act, being for the welfare of various political subdivisions and municipalities of the
347 state and its inhabitants, shall be liberally construed to effect the purposes hereof.

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SECTION 30.

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Effective date.

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

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SECTION 31.

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Repealer.

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