

Senate Bill 309

By: Senators Stone of the 23rd, Tate of the 38th, Anderson of the 24th, Tillery of the 19th, Unterman of the 45th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to provide for comprehensive regulation of local government infrastructure financing;
3 to include broadband network projects as undertakings for which revenue bonds may be
4 issued; to provide for short titles; to provide for legislative purposes; to provide for
5 definitions; to create the Georgia Municipal and Local Government Infrastructure Finance
6 Authority and the Georgia County and Local Government Infrastructure Finance Authority;
7 to provide for members, qualifications, officers, meetings, and procedures; to provide for
8 powers, duties, and authority of the authority; to provide for procedures, conditions, and
9 limitations; to provide for certain bonds, notes, certificates, bond anticipation notes, and other
10 evidences of indebtedness; to provide for nonapplicability of certain general laws; to provide
11 for certain tax exempt status of the authority, the authority's property, and the authority's
12 activities; to provide for cumulative effect of the foregoing; to provide for liberal
13 construction of the foregoing; to provide for automatic repeal; to provide for related matters;
14 to provide for an effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **SECTION 1.**

17 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
18 in paragraph (4) of Code Section 36-82-61, relating to definitions regarding revenue bonds,
19 by striking "and" at the end of subparagraph (K), replacing the period at the end of
20 subparagraph (L) with "; and", and adding a new subparagraph to read as follows:

21 "(M) The purchase of land and the construction thereon of facilities which are
22 necessary and convenient for broadband network projects as defined in Code
23 Section 50-40-1."

24 **SECTION 2.**

25 Said title is further amended by adding a new chapter to read as follows:

26 "CHAPTER 9327 ARTICLE 128 36-93-1.29 This article shall be known and may be cited as the 'Georgia Municipal and Local
30 Government Infrastructure Finance Authority Act.'31 36-93-2.32 The purpose of this article shall be to provide a mechanism through which local
33 governments may finance infrastructure at lower than prevailing costs and to make such
34 mechanism available to the largest number of local governments feasible.35 36-93-3.36 As used in this article, the term:37 (1) 'Authority' means the Georgia Municipal and Local Government Infrastructure
38 Finance Authority created by this article and any successor or successors thereto. Any
39 change in name or composition of the authority shall in no way affect the vested rights
40 of any person under this article.41 (2) 'Bond' or 'bonds' means revenue bonds, notes, interim certificates, bond anticipation
42 notes, and other evidences of indebtedness of the authority issued under this article.43 (3) 'Cost' as applied to infrastructure financed under this article includes:44 (A) The cost and the incidental and related costs of the acquisition, construction, repair,
45 restoration, reconditioning, refinancing, or installation of infrastructure;46 (B) The cost of any property interest in any infrastructure, including an option to
47 purchase a leasehold interest;48 (C) The cost of architectural, engineering, legal, trustee, underwriting, and related
49 services; the cost of the preparation of plans, specifications, studies, surveys, and
50 estimates of cost; and all other expenses necessary or incident to planning, providing,
51 or determining the need for or the feasibility and practicability of any infrastructure;52 (D) The cost of financing charges, including premiums or prepayment penalties and
53 interest, accrued before the acquisition and installation or refinancing of such
54 infrastructure and for up to three years after such acquisition and installation or
55 refinancing;

56 (E) The costs paid or incurred in connection with the financing of infrastructure,
 57 including out-of-pocket expenses; any policy of insurance or other credit enhancement;
 58 printing, engraving, and reproduction services; and the initial or acceptance fee of any
 59 trustee or paying agent;

60 (F) The costs of the authority incurred in connection with providing infrastructure,
 61 including reasonable sums to reimburse the authority for time spent by its agents or
 62 employees in providing and financing infrastructure; and

63 (G) The costs paid or incurred for the administration of any program for the financing
 64 or refinancing of infrastructure by the authority and any program for the installment
 65 sale or lease of infrastructure to any participating local government.

66 (4) 'Equipment' means any fixture or personal property that is determined by the
 67 authority to be necessary or desirable for the efficient operation of any participating local
 68 government, regardless of whether such property is in existence at the time of, or is to be
 69 provided after the making of, such finding.

70 (5) 'Infrastructure' means equipment, real property, or structures and may refer to a
 71 specific item or to many items.

72 (6) 'Participating local government' means a municipality, consolidated government,
 73 county, school district, authority, special district, or other political subdivision of this
 74 state that contracts under this article with the authority for the purchase, lease, or
 75 financing of infrastructure.

76 (7) 'Revenue bonds' means revenue bonds issued by the authority pursuant to the terms
 77 of this article and Article 3 of Chapter 82 of this title, the 'Revenue Bond Law.'

78 36-93-4.

79 (a) There is created a public body corporate and politic, not a state agency but an
 80 instrumentality of purely public charity performing an essential governmental function, to
 81 be known as the Georgia Municipal and Local Government Infrastructure Finance
 82 Authority. The authority shall be separate and distinct from any public corporation or other
 83 entity heretofore created by the General Assembly. The authority shall be exempt from the
 84 provisions of Article 2 of Chapter 17 of Title 50 and Code Sections 45-15-13
 85 through 45-15-16.

86 (b) The authority shall be governed by 12 initial members of the board of directors. One
 87 member shall be elected by a caucus of mayors from the applicable region of each of the
 88 regional commissions provided for in subsection (f) of Code Section 50-8-4. Such caucus
 89 shall be held no later than September 1, 2020, and the initial director for such region shall
 90 be determined by majority vote of the mayors attending such caucus. Three of the directors
 91 shall serve a term as a member of the authority expiring December 31, 2022; three of the

92 directors shall serve a term as a member of the authority expiring December 31, 2023; three
93 of the directors shall serve a term as a member of the authority expiring
94 December 31, 2024; and three of the directors shall serve a term as a member of the
95 authority expiring December 31, 2025. After the conclusion of each initial term, each
96 subsequent member of the authority shall serve for a four-year term, and vacancies of
97 office shall be filled by majority vote of the remaining members of the authority. A
98 member of the authority shall be eligible for reappointment twice after completing an
99 unexpired term or once after completing a full term. The authority may adopt and amend
100 bylaws governing the procedures and internal operations of the authority. Each member
101 of the authority, at the time of appointment and throughout his or her term of service as a
102 member of the authority, shall be an elected member of a municipal governing authority,
103 a city manager, or a city finance officer serving a Georgia municipal corporation, and if any
104 such member ceases to hold such office or employ within the applicable region, such
105 member's seat on the authority shall be declared vacant and the balance of such member's
106 term shall be filled by majority vote of the remaining members of the authority.

107 (c) The members shall elect a chairperson, a vice chairperson, and other officers. The
108 members shall not be compensated for their services, but they shall be reimbursed for their
109 actual and necessary expenses as determined by the authority.

110 (d) A majority of the members of the authority shall constitute a quorum for the
111 transaction of business. The vote of at least a majority of the members present at any
112 meeting at which a quorum is present is necessary for any action to be taken by the
113 authority. No vacancy in the membership of the authority shall impair the right of a
114 quorum to exercise all rights and perform all duties of the authority.

115 (e) Meetings of the members of the authority shall be held at the call of the chairperson or
116 whenever any six members so request. The members shall meet at least once each year.

117 (f) The authority shall be authorized to contract with the Georgia Municipal Association,
118 Inc., or its successors or another Georgia nonprofit corporation whose income is exempt
119 from federal income tax pursuant to Section 115 of the federal Internal Revenue Code and
120 which represents at least 300 municipalities of this state to provide administrative staff and
121 clerical services and to assist in the management of the routine affairs of the authority,
122 including the origination and processing of any applications from participating local
123 governments for infrastructure financing through the authority and the servicing of
124 contracts between the authority and the participating local governments. The
125 administrative staff shall include an executive director who shall serve as the ex officio
126 secretary of the authority. The executive director may be an employee of the Georgia
127 Municipal Association, Inc., or its successors or another Georgia nonprofit corporation

128 whose income is exempt from federal income tax pursuant to Section 115 of the federal
129 Internal Revenue Code and which represents at least 300 municipalities of this state.
130 (g) The executive director shall attend the meetings of the members of the authority, shall
131 keep a record of the proceedings of the authority, and shall maintain all books, documents,
132 and papers filed with the authority, the minutes of the authority, and its official seal. He
133 or she may cause copies to be made of all minutes and other records and documents of the
134 authority and may give certificates under seal of the authority to the effect that such copies
135 are true copies, and all persons dealing with the authority may rely upon such certificates.
136 If the executive director is unable to attend a meeting of the members of the authority, the
137 members of the authority shall designate a member of the authority or an employee of the
138 entity referred to in subsection (f) of this Code section as the person responsible for
139 carrying out the duties of the executive director set out in this Code section.

140 36-93-5.

141 The authority is granted all powers necessary to carry out and effectuate its public and
142 corporate purposes, including, but not limited to, the following:

143 (1) To have perpetual succession as a public body corporate and politic and an
144 independent public instrumentality exercising essential public functions;

145 (2) To adopt, amend, and repeal bylaws and rules consistent with this article to regulate
146 its affairs, to carry into effect its powers and purposes, and to conduct its business;

147 (3) To sue and be sued in its own name;

148 (4) To have an official seal;

149 (5) To maintain an office in Georgia;

150 (6) To make and execute contracts and all other instruments necessary or convenient for
151 the performance of its duties and the exercise of its powers and functions under this
152 article;

153 (7) To employ architects, engineers, independent legal counsel, inspectors, accountants,
154 and financial experts and such other advisers, consultants, and agents as may be
155 necessary in its judgment without the approval or consent of any other public official and
156 to fix their compensation; provided, however, that the employment of legal counsel for
157 each issuance of bonded indebtedness by the authority shall be subject to normal bidding
158 processes and shall be awarded to the lowest responsible bidder for each issuance;

159 (8) To procure insurance against any loss in connection with its property and other assets
160 in such amounts and from such insurers as it considers advisable and to pay premiums
161 on any such insurance;

162 (9) To procure insurance, guarantees, or other credit enhancement from any public or
 163 private entities, including any department, agency, or instrumentality of the United States,
 164 to secure payment:

165 (A) On a lease, purchase, or financing payment owed by a participating local
 166 government to the authority; or

167 (B) Of any bonds issued by the authority

168 and to pay premiums on any such insurance, guarantee, or other credit enhancement;

169 (10) To procure letters of credit or other credit or liquidity facilities or agreements from
 170 any national or state banking association or other entity authorized to:

171 (A) Issue a letter of credit or other credit or liquidity facilities or agreements to secure
 172 the payment of any bonds issued by the authority; and

173 (B) Secure the payment of any lease, purchase, or financing payment owed by a
 174 participating local government to the authority.

175 The authority shall pay the cost of obtaining such letter of credit or other credit or
 176 liquidity facilities or agreements;

177 (11) To receive and accept from any source any money, property, or thing of value to be
 178 held, used, and applied to carry out the purpose of this article, subject to the conditions
 179 upon which the grants or contributions are made, including gifts, loans, or grants from
 180 any department, agency, political subdivision, authority, or instrumentality of the United
 181 States, the State of Georgia, or any other state, or of any political subdivision, of the
 182 foregoing;

183 (12) To provide infrastructure, or to cause infrastructure to be provided by a participating
 184 local government, by acquisition, construction, operation, lease, fabrication, repair,
 185 restoration, reconditioning, refinancing, or installation;

186 (13) To lease as lessor any infrastructure for such rentals and upon such terms and
 187 conditions as the authority considers advisable and which are not in conflict with this
 188 article;

189 (14) To sell by installment or otherwise, to sell by option or contract for sale, and to
 190 convey all or any part of any infrastructure for such price and upon such terms and
 191 conditions as the authority considers advisable and which are not in conflict with this
 192 article;

193 (15) To make contracts and incur liabilities, borrow money at such rates of interest as the
 194 authority determines, issue its bonds in accordance with this article, and secure any of its
 195 bonds or obligations by an assignment or pledge of all or any part of its property, contract
 196 rights, and income or as otherwise provided in this article;

197 (16) To purchase, receive, lease as lessee or lessor, or otherwise acquire, own, hold,
 198 improve, use, or deal in and with infrastructure, or any interest therein, wherever situated;

199 (17) To sell, convey, hypothecate, pledge, assign, lease, exchange, transfer, and
200 otherwise dispose of all or any part of its property and assets;

201 (18) To charge to and apportion among participating local governments its administrative
202 costs and expenses incurred in the exercise of the powers and duties conferred by this
203 article;

204 (19) To collect fees and charges, as the authority determines to be reasonable, in
205 connection with its leases, sales, financings, advances, insurance, commitments, and
206 servicing;

207 (20) To cooperate with and exchange services, personnel, and information with any
208 federal, state, or local governmental agency;

209 (21) To sell or assign its rights under its leases, purchase contracts, or other contracts or
210 its right to receive payments thereunder, either directly or through trust or custodial
211 arrangements whereby interests are created in such leases, purchase contracts, or other
212 contracts, or the payments to be received thereunder through the issuance of trust
213 certificates, certificates of participation, custodial receipts, or other similar instruments;

214 (22) To exercise any power granted by the laws of this state to public or private
215 corporations which is not in conflict with the public purpose of the authority;

216 (23) To exercise the powers conferred upon a public corporation or a public authority by
217 Article IX, Section III, Paragraph I of the Constitution of Georgia, such authority being
218 expressly declared to be a public corporation or a public authority within the meaning of
219 such provisions of the Constitution of Georgia;

220 (24) To do all things necessary or convenient to carry out the powers conferred by this
221 article;

222 (25) To hold funds in deposit accounts with banking institutions as otherwise authorized
223 by law; and

224 (26) Subject to any agreement with bondholders, to invest moneys of the authority not
225 required for immediate use to carry out the purposes of this article, including the proceeds
226 from the sale of any bonds and any moneys held in reserve funds, in investments
227 authorized pursuant to Code Section 36-82-7.

228 36-93-6.

229 (a) The authority may initiate one or more programs of providing infrastructure to be
230 purchased or leased by participating local governments. In furtherance of this objective,
231 the authority may also:

232 (1) Establish eligibility standards for participating local governments, provided that such
233 standards shall encourage maximum feasible participation for participating local
234 governments;

235 (2) Contract with any entity securing or enhancing the payment of bonds, authorizing the
 236 entity to approve the participating local governments that can lease or purchase
 237 infrastructure financed with proceeds of bonds secured or enhanced by such entity;

238 (3) Lease to a participating local government infrastructure upon terms and conditions
 239 that the authority considers proper, charge and collect rents therefor, and include in any
 240 such lease provisions that the lessee has the option to purchase any or all of the
 241 infrastructure to which the lease applies;

242 (4) Sell to a participating local government infrastructure under any lease, purchase, or
 243 other legal contract upon such terms and conditions as the authority considers proper;

244 (5) Sell or otherwise dispose of any unneeded or obsolete infrastructure under terms and
 245 conditions as determined by the authority;

246 (6) Maintain, repair, replace, and otherwise improve or cause to be maintained, repaired,
 247 replaced, and otherwise improved any infrastructure owned by the authority;

248 (7) Obtain or aid in obtaining property insurance, in establishing self-insurance, or in
 249 participating in an interlocal risk management agency under Chapter 85 of this title,
 250 covering all infrastructure owned or financed, or accept payment if any infrastructure is
 251 damaged or destroyed; and

252 (8) Enter into any agreement, contract, or other instrument for any insurance, guarantee,
 253 or letter of credit accepting payment in such manner and form as provided therein if a
 254 participating local government defaults and assign any such insurance, guarantee, or letter
 255 of credit as security for bonds issued by the authority.

256 (b) Before exercising any of the powers conferred by subsection (a) of this Code section,
 257 the authority may:

258 (1) Require that the lease, purchase, or other contract involved be insured by a financial
 259 guaranty insurer, be credit enhanced by a credit enhancer, or be secured by a letter of
 260 credit; or

261 (2) Require any other type of security from the participating local governments that it
 262 considers reasonable and necessary.

263 36-93-7.

264 (a) The authority may issue, sell, and deliver its bonds, in accordance with this article, for
 265 the purpose of paying for all or any part of the cost of equipment, to finance the acquisition
 266 of infrastructure for lease or sale to participating local governments, and for any other
 267 purposes authorized by this article.

268 (b) The bonds may be issued as serial bonds or as term bonds or a combination of each in
 269 one or more series. Additionally, such bonds, as determined by the authority:

- 270 (1) Shall bear dates and mature at times not exceeding 30 years from their respective
 271 dates of issue;
- 272 (2) Shall bear interest at such fixed or variable rates without regard to any limitations
 273 contained in any other laws of this state;
- 274 (3) May bear interest at different rates;
- 275 (4) May mature at different dates within a series;
- 276 (5) May bear interest at one or more variable or fixed rates within a series;
- 277 (6) May be converted from such variable rate or rates to a fixed rate or rates from time
 278 to time;
- 279 (7) May be converted from such fixed rate or rates to a variable rate or rates from time
 280 to time;
- 281 (8) Shall be payable at such times as may be specified;
- 282 (9) May be in different denominations;
- 283 (10) May be in such form, either coupon or fully registered, as may be specified;
- 284 (11) May carry such registration and conversion privileges as specified;
- 285 (12) May have such rank or priority as specified;
- 286 (13) Shall be payable in lawful money of the United States at specified places, within or
 287 outside this state; and
- 288 (14) Shall be subject to such terms of redemption and tender for purchase as such bond
 289 resolution may provide.
- 290 (c) All revenue bonds issued by the authority shall be subject to validation in accordance
 291 with Article 3 of Chapter 82 of this title, the 'Revenue Bond Law.' Notes and other types
 292 of obligations of the authority shall not be required to be so validated. All proceedings to
 293 validate revenue bonds of the authority shall be held in the Superior Court of Fulton
 294 County, and judgments of validation obtained in the manner set forth in such chapter shall
 295 be forever conclusive upon the validity of such bonds and the security for such bonds as
 296 therein provided. The petition and complaint for validation may also make party defendant
 297 to such action any participating local government that has contracted with the authority in
 298 connection with the issuance of the revenue bonds or regarding the manner in which such
 299 bonds are to be secured; and such participating local government may be required to show
 300 cause, if any exists, as to why such contract and the terms and conditions thereof shall not
 301 be inquired into by the court, the validity of the terms thereof determined, and the contract
 302 adjudicated as a binding obligation of the participating local government for the security
 303 of any such bonds of the authority. The revenue bonds when validated and the judgment
 304 of validation shall be final and conclusive with respect to such bonds against the authority,
 305 any parties to the validation proceedings, or any persons that might properly have become
 306 parties to such proceedings. The certificate of validation, however, may be signed with the

307 facsimile or manually executed official signature of the clerk or deputy clerk of the
308 Superior Court of Fulton County.

309 (d) The authority may sell its bonds in such manner and for such price, at public or private
310 sale, as it may determine to be in the best interest of the authority. Prior to the preparation
311 of definitive bonds, the authority may issue interim certificates or receipts or temporary
312 bonds for definitive bonds. The authority may also provide for the replacement of any
313 bonds that shall become mutilated or be stolen, destroyed, or lost.

314 (e) The bonds shall be signed by the chairperson of the authority or such other person
315 designated by the authority, and the corporate seal of the authority shall be thereunto
316 impressed, imprinted, or otherwise reproduced and attested by the signature of the secretary
317 of the authority or such other person designated by the authority. The coupons, if any, shall
318 be signed in such manner as may be directed by the authority. The signatures of the
319 officers of the authority and the seal of the authority upon any bond issued by the authority
320 may be by facsimile if the instrument is manually authenticated or countersigned by a
321 trustee other than the authority itself or an officer or employee of the authority. All bonds
322 issued pursuant to this article bearing signatures or facsimiles of the signatures of officers
323 of the authority in office on the date of the signing thereof shall be valid and binding,
324 notwithstanding that before the delivery thereof and payment therefor such officers whose
325 signatures appear thereon shall have ceased to be officers of the authority.

326 (f) The authority may provide for the issuance of bonds of the authority for the purpose
327 of refunding any bonds of the authority then outstanding, including the payment of any
328 redemption premium thereon and any interest accrued or to accrue to the earliest or any
329 subsequent date of redemption, purchase, or maturity of such bonds, and, if considered
330 advisable by the authority, for the additional purpose of paying all or any part of the cost
331 of infrastructure.

332 (g) The proceeds of any bonds issued for the purpose of refunding outstanding bonds may,
333 in the discretion of the authority, be applied to the purchase or retirement at maturity or
334 redemption of such outstanding bonds either on their earliest or any subsequent redemption
335 date or upon the purchase or at the maturity thereof and may, pending such application, be
336 placed in escrow to be applied to such purchase or retirement at maturity or redemption on
337 such date as may be determined by the authority. Subject to the provisions of any trust
338 indenture to the contrary, any such escrowed proceeds, pending such use, may be invested
339 and reinvested in accordance with Code Section 36-82-7 in order to assure the prompt
340 payment of the principal and interest and redemption premium, if any, on the outstanding
341 bonds to be so refunded. The interest, income, and profits, if any, earned or realized on any
342 such investment may also be applied to the payment of the outstanding bonds to be so
343 refunded. Only after the terms of the escrow have been fully satisfied and carried out shall

344 any balance of such proceeds and interest, income, and profits, if any, earned or realized
345 on the investments thereof be returned to the authority or the participating local
346 governments for use by them in any lawful manner.

347 (h) The proceeds of the bonds, other than refunding bonds, of each series shall be used for
348 the payment of all or part of the cost of infrastructure for which such bonds have been
349 authorized and, at the option of the authority, for the deposit to a reserve fund or reserve
350 funds for the bonds; provided, however, that the authority may be paid, out of proceeds of
351 the sale and delivery of its bonds issued in accordance with this article, all of the authority's
352 out-of-pocket expenses and costs in connection with the issuance, sale, and delivery of such
353 bonds and the costs of obtaining insurance, guarantees, other credit enhancement, and
354 letters of credit securing payment of the bonds and the lease and the purchase payments,
355 plus an amount equal to the compensation paid to any employees or agents of the authority
356 for the time such employees or agents have spent on activities relating to the issuance, sale,
357 and delivery of the bonds. Bond proceeds shall be disbursed in the manner and under the
358 restrictions determined by the authority.

359 36-93-8.

360 (a) The bonds may be secured by a trust indenture by and between the authority and a
361 corporate trustee, which may be any bank having the power of a trust company, or any trust
362 company. The trust indenture may contain such provisions for protecting and enforcing
363 the rights and remedies of the holders of the bonds as may be reasonable and proper and
364 not in violation of law, including covenants setting forth the duties of the authority in
365 relation to the exercise of its powers and the custody, investment, safekeeping, and
366 application of all money. The authority may provide by the trust indenture for the payment
367 of the proceeds of the bonds and any lease, purchase, or other contractual payments to the
368 trustee under the trust indenture or other depository and for the method of disbursement
369 thereof with such safeguards and restrictions as the authority may determine. All expenses
370 incurred in carrying out the trust indenture may be treated as a part of the operating
371 expenses of the authority.

372 (b) Every series of bonds is payable solely out of revenues, assets, or money of the
373 authority as the authority determines, subject only to any agreements with the holders of
374 particular bonds pledging any particular money or revenue. The bonds may be additionally
375 secured by a pledge of any grant, contribution, or guarantee from the federal government
376 or any corporation, association, institution, or person or a pledge of any money, income,
377 or revenue of the authority from any source.

378 36-93-9.

379 (a) Neither the members of the authority nor any person executing bonds on behalf of the
380 authority shall be personally liable thereon by reason of the issuance thereof.

381 (b) The authority shall have the same immunity and exemption from liability as this state,
382 and the members, agents, and employees of the authority when in the performance of work
383 of the authority shall have the same immunity and exemption from liability as officers,
384 agents, and employees of this state.

385 (c) The offer, sale, or issuance of bonds by the authority shall not be subject to regulation
386 under Chapter 5 of Title 10, the 'Georgia Uniform Securities Act of 2008.' No notice,
387 proceeding, or publication except those required in this article shall be necessary for the
388 performance of any act authorized in this article nor shall any such act be subject to
389 referendum.

390 (d) No lease, purchase, or other contract between the authority and any participating local
391 government shall be deemed to be a contract subject to any law requiring that a lease,
392 purchase, or other contract be let or entered into only after auction or receipt of competitive
393 bids or proposals.

394 36-93-10.

395 Bonds issued under this article shall not be deemed to constitute a debt or pledge of the
396 faith and credit of this state, any political subdivision or municipal corporation thereof, or
397 any participating local government within the meaning of any provision of the Constitution
398 or laws of this state. Bonds issued by the authority shall not directly, indirectly, or
399 contingently obligate this state or any of its political subdivisions or municipal
400 corporations, or any participating local governments, to levy or to pledge any form of
401 taxation whatever therefor or to make any appropriation for the payment thereof, and all
402 such bonds or other obligations of the authority shall contain recitals on their face covering
403 substantially the provisions of this Code section.

404 36-93-11.

405 The creation of the authority and the carrying out of its corporate purposes are in all
406 respects for the benefit of the people of this state and a public purpose, and the authority
407 is performing an essential governmental function in the exercise of the power conferred
408 upon it by this article. The state covenants with the holders of the bonds and any interest
409 coupons appertaining thereto that the authority shall not be required to pay any taxes or
410 assessments imposed by the state or any of its counties, municipal corporations, political
411 subdivisions, or taxing districts upon any of the property acquired, leased, or sold by it or
412 under its jurisdiction, control, possession, or supervision or upon its activities in the

413 operation or maintenance of the infrastructure acquired by it or upon any fees, rentals,
414 charges, or purchase prices, received in installments or otherwise, pertaining to such
415 infrastructure or upon other income received by the authority; that the bonds of the
416 authority, their transfer, and the interest and income therefrom shall at all times be exempt
417 from taxation within this state; and that the recording of any indenture or security
418 agreement by the authority shall be exempt from recording taxes and fees and from
419 intangible tax. The tax exemption provided in this Code section shall not include any
420 exemption from sales or use tax on property purchased by the authority or for use by the
421 authority, except that the authority shall be entitled to such exemption with respect to
422 property as is available to the participating local government pursuant to Article 1 of
423 Chapter 8 of Title 48.

424 36-93-12.

425 While any of the bonds issued by the authority remain outstanding, the powers, duties, or
426 existence of the authority or of any of its officers shall not be diminished or impaired in any
427 manner that will adversely affect the interest and right of the holders of such bonds. This
428 article shall be for the benefit of the holders of any such bonds and, upon the issuance of
429 the bonds as provided in this article, such provisions shall constitute a contract with the
430 holders of such bonds. The provisions of any bond resolution, indenture, or trust
431 agreement shall be a contract with every holder of such bonds, and the duties of the
432 authority under any such bond resolution, indenture, or trust agreement shall be enforceable
433 by any bondholder by mandamus or other appropriate action or proceeding at law or in
434 equity.

435 36-93-13.

436 All moneys received by the authority pursuant to this article, whether as grants or other
437 contributions or as revenues, rents, installment purchase payments, and earnings, shall be
438 held in trust and applied solely as provided for in this article.

439 36-93-14.

440 The authority may hold title to any infrastructure leased, purchased, sold, or financed by
441 such authority but shall not be required to do so.

442 36-93-15.

443 The authority's legal situs or residence for the purpose of this article shall be Fulton
444 County. Any action to protect or enforce any rights under this article, including the
445 validation of revenue bonds issued by the authority as permitted in this article, shall be

446 brought in the Superior Court of Fulton County, and such court shall have exclusive
447 original jurisdiction of all such actions.

448 36-93-16.

449 Nothing in this article may be construed as a restriction or limitation upon any powers that
450 the authority might otherwise have under any other law of this state, and this article is
451 cumulative to such powers. This article shall be construed to provide a complete,
452 additional, and alternative mechanism for the doing of the things authorized and shall be
453 construed as supplemental to powers conferred by any other laws. The adoption by the
454 authority of bylaws and rules and the issuance of bonds by the authority under this article
455 need not comply with the requirements of any other state laws applicable to the adoption
456 of bylaws and rules and the issuance of bonds, notes, and other obligations. No
457 proceedings, notice, or approval is required for the issuance of any bonds or any instrument
458 or the security therefor or for the proper conduct of the authority's business, affairs, or
459 operations, except as provided in this article.

460 36-93-17.

461 This article, being for the welfare of this state and its inhabitants, shall be liberally
462 construed to effect its purposes.

463 36-93-18.

464 If the authority has not issued any bonds for infrastructure pursuant to agreements with
465 participating local governments within five years of the date of its creation, this article shall
466 stand repealed in its entirety.

467 ARTICLE 2

468 36-93-20.

469 This article shall be known and may be cited as the 'Georgia County and Local Government
470 Infrastructure Finance Authority Act.'

471 36-93-21.

472 The purpose of this article shall be to provide a mechanism through which Georgia
473 counties may finance infrastructure at lower than prevailing costs.

474 36-93-22.

475 As used in this article, the term:

476 (1) 'Authority' means the Georgia County and Local Government Infrastructure Finance
477 Authority created by this article and any successor or successors thereto. Any change in
478 name or composition of the authority shall in no way affect the vested rights of any
479 person under this article.

480 (2) 'Bond' or 'bonds' means revenue bonds, notes, interim certificates, bond anticipation
481 notes, and other evidences of indebtedness of the authority issued under this article.

482 (3) 'Cost' as applied to infrastructure financed under this article includes:

483 (A) The cost and the incidental and related costs of the acquisition, construction, repair,
484 restoration, reconditioning, refinancing, or installation of infrastructure;

485 (B) The cost of any property interest in any infrastructure, including an option to
486 purchase a leasehold interest;

487 (C) The cost of architectural, engineering, legal, trustee, underwriting, and related
488 services; the cost of the preparation of plans, specifications, studies, surveys, and
489 estimates of cost; and all other expenses necessary or incident to planning, providing,
490 or determining the need for or the feasibility and practicability of any infrastructure;

491 (D) The cost of financing charges, including premiums or prepayment penalties and
492 interest, accrued before the acquisition and installation or refinancing of such
493 infrastructure and for up to three years after such acquisition and installation or
494 refinancing;

495 (E) The costs paid or incurred in connection with the financing of infrastructure,
496 including out-of-pocket expenses; any policy of insurance or other credit enhancement;
497 printing, engraving, and reproduction services; and the initial or acceptance fee of any
498 trustee or paying agent;

499 (F) The costs of the authority incurred in connection with providing infrastructure,
500 including reasonable sums to reimburse the authority for time spent by its agents or
501 employees in providing and financing infrastructure; and

502 (G) The costs paid or incurred for the administration of any program for the financing
503 or refinancing of infrastructure by the authority and any program for the installment
504 sale or lease of infrastructure to any participating county.

505 (4) 'Equipment' means any fixture or personal property that is determined by the
506 authority to be necessary or desirable for the efficient operation of any county, regardless
507 of whether such property is in existence at the time of, or is to be provided after the
508 making of, such finding.

509 (5) 'Infrastructure' means equipment, real property, or structures and may refer to a
510 specific item or to many items.

511 (6) 'Participating county' means a municipality, consolidated government, county, school
 512 district, authority, special district, or other political subdivision of this state that contracts
 513 under this article with the authority for the purchase, lease, or financing of infrastructure.

514 (7) 'Revenue bonds' means revenue bonds issued by the authority pursuant to the terms
 515 of this article and Article 3 of Chapter 82 of this title, the 'Revenue Bond Law.'

516 36-93-23.

517 (a) There is created a public body corporate and politic, not a state agency but an
 518 instrumentality of purely public charity performing an essential governmental function, to
 519 be known as the Georgia County and Local Government Infrastructure Finance Authority.
 520 The authority shall be separate and distinct from any public corporation or other entity
 521 heretofore created by the General Assembly. The authority shall be exempt from the
 522 provisions of Article 2 of Chapter 17 of Title 50 and Code Sections 45-15-13
 523 through 45-15-16.

524 (b) The authority shall be governed by 12 initial members of the board of directors. One
 525 member shall be elected by a caucus of county commission chairpersons and sole
 526 commissioners from the applicable region of each of the regional commissions provided
 527 for in subsection (f) of Code Section 50-8-4. Such caucus shall be held no later than
 528 September 1, 2020, and the initial director for such region will be determined by majority
 529 vote of county commission chairpersons and sole commissioners attending such caucus.
 530 Three of the directors shall serve a term as a member of the authority expiring
 531 December 31, 2022; three of the directors shall serve a term as a member of the authority
 532 expiring December 31, 2023; three of the directors shall serve a term as a member of the
 533 authority expiring December 31, 2024; and three of the directors shall serve a term as a
 534 member of the authority expiring December 31, 2025. After the conclusion of each initial
 535 term, each subsequent member of the authority shall serve for a four-year term, and
 536 vacancies of office shall be filled by majority vote of the remaining members of the
 537 authority. A member of the authority shall be eligible for reappointment twice after
 538 completing an unexpired term or once after completing a full term. The authority may
 539 adopt and amend bylaws governing the procedures and internal operations of the authority.
 540 Each member of the authority, at the time of appointment and throughout his or her term
 541 of service as a member of the authority, shall be an elected member of a county governing
 542 authority, a county manager, or a county finance officer serving a Georgia county, and if
 543 any such member ceases to hold such office or employ within the applicable region, such
 544 member's seat on the authority shall be declared vacant and the balance of such member's
 545 term shall be filled by majority vote of the remaining members of the authority.

546 (c) The members shall elect a chairperson, a vice chairperson, and other officers. The
547 members shall not be compensated for their services, but they shall be reimbursed for their
548 actual and necessary expenses as determined by the authority.

549 (d) A majority of the members of the authority shall constitute a quorum for the
550 transaction of business. The vote of at least a majority of the members present at any
551 meeting at which a quorum is present is necessary for any action to be taken by the
552 authority. No vacancy in the membership of the authority shall impair the right of a
553 quorum to exercise all rights and perform all duties of the authority.

554 (e) Meetings of the members of the authority shall be held at the call of the chairperson or
555 whenever any six members so request. The members shall meet at least once each year.

556 (f) The authority shall be authorized to contract with the Association County
557 Commissioners of Georgia, Inc., or its successors or another Georgia nonprofit corporation
558 whose income is exempt from federal income tax pursuant to Section 115 of the federal
559 Internal Revenue Code and which represents all counties of this state to provide
560 administrative staff and clerical services and to assist in the management of the routine
561 affairs of the authority, including the origination and processing of any applications from
562 counties for infrastructure financing through the authority and the servicing of contracts
563 between the authority and the counties. The administrative staff shall include an executive
564 director who shall serve as the ex officio secretary of the authority. The executive director
565 may be an employee of the Association County Commissioners of Georgia, Inc., or its
566 successors or another Georgia nonprofit corporation whose income is exempt from federal
567 income tax pursuant to Section 115 of the federal Internal Revenue Code and which
568 represents all of the counties of this state.

569 (g) The executive director shall attend the meetings of the members of the authority, shall
570 keep a record of the proceedings of the authority, and shall maintain all books, documents,
571 and papers filed with the authority, the minutes of the authority, and its official seal. He
572 or she may cause copies to be made of all minutes and other records and documents of the
573 authority and may give certificates under seal of the authority to the effect that such copies
574 are true copies, and all persons dealing with the authority may rely upon such certificates.
575 If the executive director is unable to attend a meeting of the members of the authority, the
576 members of the authority shall designate a member of the authority or an employee of the
577 entity referred to in subsection (f) of this Code section as the person responsible for
578 carrying out the duties of the executive director set out in this Code section.

579 36-93-24.

580 The authority is granted all powers necessary to carry out and effectuate its public and
581 corporate purposes, including but not limited to the following:

- 582 (1) To have perpetual succession as a public body corporate and politic and an
 583 independent public instrumentality exercising essential public functions;
- 584 (2) To adopt, amend, and repeal bylaws and rules consistent with this article to regulate
 585 its affairs, to carry into effect its powers and purposes, and to conduct its business;
- 586 (3) To sue and be sued in its own name;
- 587 (4) To have an official seal;
- 588 (5) To maintain an office in Georgia;
- 589 (6) To make and execute contracts and all other instruments necessary or convenient for
 590 the performance of its duties and the exercise of its powers and functions under this
 591 article;
- 592 (7) To employ architects, engineers, independent legal counsel, inspectors, accountants,
 593 and financial experts and such other advisers, consultants, and agents as may be
 594 necessary in its judgment without the approval or consent of any other public official and
 595 to fix their compensation; provided, however, that the employment of legal counsel for
 596 each issuance of bonded indebtedness by the authority shall be subject to normal bidding
 597 processes and shall be awarded to the lowest responsible bidder for each issuance;
- 598 (8) To procure insurance against any loss in connection with its property and other assets
 599 in such amounts and from such insurers as it considers advisable and to pay premiums
 600 on any such insurance;
- 601 (9) To procure insurance, guarantees, or other credit enhancement from any public or
 602 private entities, including any department, agency, or instrumentality of the United States,
 603 to secure payment:
- 604 (A) On a lease, purchase, or financing payment owed by a participating county to the
 605 authority; or
- 606 (B) Of any bonds issued by the authority
 607 and to pay premiums on any such insurance, guarantee, or other credit enhancement;
- 608 (10) To procure letters of credit or other credit or liquidity facilities or agreements from
 609 any national or state banking association or other entity authorized to:
- 610 (A) Issue a letter of credit or other credit or liquidity facilities or agreements to secure
 611 the payment of any bonds issued by the authority; and
- 612 (B) Secure the payment of any lease, purchase, or financing payment owed by a
 613 participating county to the authority,
 614 and to pay the cost of obtaining such letter of credit or other credit or liquidity facilities
 615 or agreements;
- 616 (11) To receive and accept from any source any money, property, or thing of value to
 617 be held, used, and applied to carry out the purpose of this article, subject to the conditions
 618 upon which the grants or contributions are made, including gifts, loans, or grants from

619 any department, agency, political subdivision, authority, or instrumentality of the United
620 States, the State of Georgia, or a Georgia county;
621 (12) To provide infrastructure, or to cause infrastructure to be provided by a participating
622 county, by acquisition, construction, operation, lease, fabrication, repair, restoration,
623 reconditioning, refinancing, or installation;
624 (13) To lease as lessor any infrastructure for such rentals and upon such terms and
625 conditions as the authority considers advisable and which are not in conflict with this
626 article;
627 (14) To sell by installment or otherwise, to sell by option or contract for sale, and to
628 convey all or any part of any infrastructure for such price and upon such terms and
629 conditions as the authority considers advisable and which are not in conflict with this
630 article;
631 (15) To make contracts and incur liabilities, borrow money at such rates of interest as the
632 authority determines, issue its bonds in accordance with this article, and secure any of its
633 bonds or obligations by an assignment or pledge of all or any part of its property, contract
634 rights, and income or as otherwise provided in this article;
635 (16) To purchase, receive, lease as lessee or lessor, or otherwise acquire, own, hold,
636 improve, use, or deal in and with infrastructure, or any interest therein, wherever situated;
637 (17) To sell, convey, hypothecate, pledge, assign, lease, exchange, transfer, and
638 otherwise dispose of all or any part of its property and assets;
639 (18) To charge to and apportion among participating counties its administrative costs and
640 expenses incurred in the exercise of the powers and duties conferred by this article;
641 (19) To collect fees and charges, as the authority determines to be reasonable, in
642 connection with its leases, sales, financings, advances, insurance, commitments, and
643 servicing;
644 (20) To cooperate with and exchange services, personnel, and information with any
645 federal, state, or local governmental agency;
646 (21) To sell or assign its rights under its leases, purchase contracts, or other contracts or
647 its right to receive payments thereunder, either directly or through trust or custodial
648 arrangements whereby interests are created in such leases, purchase contracts, or other
649 contracts, or the payments to be received thereunder through the issuance of trust
650 certificates, certificates of participation, custodial receipts, or other similar instruments;
651 (22) To exercise any power granted by the laws of this state to public or private
652 corporations which is not in conflict with the public purpose of the authority;
653 (23) To exercise the powers conferred upon a public corporation or a public authority by
654 Article IX, Section III, Paragraph I of the Constitution of Georgia, such authority being

655 expressly declared to be a public corporation or a public authority within the meaning of
 656 such provisions of the Constitution of Georgia;

657 (24) To do all things necessary or convenient to carry out the powers conferred by this
 658 article;

659 (25) To hold funds in deposit accounts with banking institutions as otherwise authorized
 660 by law; and

661 (26) Subject to any agreement with bondholders, to invest moneys of the authority not
 662 required for immediate use to carry out the purposes of this article, including the proceeds
 663 from the sale of any bonds and any moneys held in reserve funds, in investments
 664 authorized pursuant to Code Section 36-82-7.

665 36-93-25.

666 (a) The authority may initiate one or more programs of providing infrastructure to be
 667 purchased or leased by a county or counties. In furtherance of this objective, the authority
 668 may also:

669 (1) Establish eligibility standards for participating counties, provided that such standards
 670 shall encourage maximum feasible participation for participating counties;

671 (2) Contract with any entity securing or enhancing the payment of bonds, authorizing the
 672 entity to approve the participating counties that can lease or purchase infrastructure
 673 financed with proceeds of bonds secured or enhanced by such entity;

674 (3) Lease to a participating county infrastructure upon terms and conditions that the
 675 authority considers proper, charge and collect rents therefor, and include in any such
 676 lease provisions that the lessee has the option to purchase any or all of the infrastructure
 677 to which the lease applies;

678 (4) Sell to a participating county infrastructure under any lease, purchase, or other legal
 679 contract upon such terms and conditions as the authority considers proper;

680 (5) Sell or otherwise dispose of any unneeded or obsolete infrastructure under terms and
 681 conditions as determined by the authority;

682 (6) Maintain, repair, replace, and otherwise improve or cause to be maintained, repaired,
 683 replaced, and otherwise improved any infrastructure owned by the authority;

684 (7) Obtain or aid in obtaining property insurance, in establishing self-insurance, or in
 685 participating in an interlocal risk management agency under Chapter 85 of this title,
 686 covering all infrastructure owned or financed, or accept payment if any infrastructure is
 687 damaged or destroyed; and

688 (8) Enter into any agreement, contract, or other instrument for any insurance, guarantee,
 689 or letter of credit accepting payment in such manner and form as provided therein if a

690 participating county defaults and assign any such insurance, guarantee, or letter of credit
 691 as security for bonds issued by the authority.

692 (b) Before exercising any of the powers conferred by subsection (a) of this Code section,
 693 the authority may:

694 (1) Require that the lease, purchase, or other contract involved be insured by a financial
 695 guaranty insurer, be credit enhanced by a credit enhancer, or be secured by a letter of
 696 credit; or

697 (2) Require any other type of security from the participating counties that it considers
 698 reasonable and necessary.

699 36-93-26.

700 (a) The authority may issue, sell, and deliver its bonds, in accordance with this article, for
 701 the purpose of paying for all or any part of the cost of equipment, to finance the acquisition
 702 of infrastructure for lease or sale to participating counties, and for any other purposes
 703 authorized by this article.

704 (b) The bonds may be issued as serial bonds or as term bonds or a combination of each in
 705 one or more series. Additionally, such bonds, as determined by the authority:

706 (1) Shall bear dates and mature at times not exceeding 30 years from their respective
 707 dates of issue;

708 (2) Shall bear interest at such fixed or variable rates without regard to any limitations
 709 contained in any other laws of this state;

710 (3) May bear interest at different rates;

711 (4) May mature at different dates within a series;

712 (5) May bear interest at one or more variable or fixed rates within a series;

713 (6) May be converted from such variable rate or rates to a fixed rate or rates from time
 714 to time;

715 (7) May be converted from such fixed rate or rates to a variable rate or rates from time
 716 to time;

717 (8) Shall be payable at such times as may be specified;

718 (9) May be in different denominations;

719 (10) May be in such form, either coupon or fully registered, as may be specified;

720 (11) May carry such registration and conversion privileges as specified;

721 (12) May have such rank or priority as specified;

722 (13) Shall be payable in lawful money of the United States at specified places, within or
 723 outside this state; and

724 (14) Shall be subject to such terms of redemption and tender for purchase as such bond
 725 resolution may provide.

726 (c) All revenue bonds issued by the authority shall be subject to validation in accordance
727 with Article 3 of Chapter 82 of this title, the 'Revenue Bond Law.' Notes and other types
728 of obligations of the authority shall not be required to be so validated. All proceedings to
729 validate revenue bonds of the authority shall be held in the Superior Court of Fulton
730 County, and judgments of validation obtained in the manner set forth in such chapter shall
731 be forever conclusive upon the validity of such bonds and the security for such bonds as
732 therein provided. The petition and complaint for validation may also make party defendant
733 to such action any participating county that has contracted with the authority in connection
734 with the issuance of the revenue bonds or regarding the manner in which such bonds are
735 to be secured; and such participating county may be required to show cause, if any exists,
736 as to why such contract and the terms and conditions thereof shall not be inquired into by
737 the court, the validity of the terms thereof determined, and the contract adjudicated as a
738 binding obligation of the participating county for the security of any such bonds of the
739 authority. The revenue bonds when validated and the judgment of validation shall be final
740 and conclusive with respect to such bonds against the authority, any parties to the
741 validation proceedings, or any persons that might properly have become parties to such
742 proceedings. The certificate of validation, however, may be signed with the facsimile or
743 manually executed official signature of the clerk or deputy clerk of the Superior Court of
744 Fulton County.

745 (d) The authority may sell its bonds in such manner and for such price, at public or private
746 sale, as it may determine to be in the best interest of the authority. Prior to the preparation
747 of definitive bonds, the authority may issue interim certificates or receipts or temporary
748 bonds for definitive bonds. The authority may also provide for the replacement of any
749 bonds that shall become mutilated or be stolen, destroyed, or lost.

750 (e) The bonds shall be signed by the chairperson of the authority or such other person
751 designated by the authority, and the corporate seal of the authority shall be thereunto
752 impressed, imprinted, or otherwise reproduced and attested by the signature of the secretary
753 of the authority or such other person designated by the authority. The coupons, if any, shall
754 be signed in such manner as may be directed by the authority. The signatures of the
755 officers of the authority and the seal of the authority upon any bond issued by the authority
756 may be by facsimile if the instrument is manually authenticated or countersigned by a
757 trustee other than the authority itself or an officer or employee of the authority. All bonds
758 issued pursuant to this article bearing signatures or facsimiles of the signatures of officers
759 of the authority in office on the date of the signing thereof shall be valid and binding,
760 notwithstanding that before the delivery thereof and payment therefor such officers whose
761 signatures appear thereon shall have ceased to be officers of the authority.

762 (f) The authority may provide for the issuance of bonds of the authority for the purpose
763 of refunding any bonds of the authority then outstanding, including the payment of any
764 redemption premium thereon and any interest accrued or to accrue to the earliest or any
765 subsequent date of redemption, purchase, or maturity of such bonds, and, if considered
766 advisable by the authority, for the additional purpose of paying all or any part of the cost
767 of infrastructure.

768 (g) The proceeds of any bonds issued for the purpose of refunding outstanding bonds may,
769 in the discretion of the authority, be applied to the purchase or retirement at maturity or
770 redemption of such outstanding bonds either on their earliest or any subsequent redemption
771 date or upon the purchase or at the maturity thereof and may, pending such application, be
772 placed in escrow to be applied to such purchase or retirement at maturity or redemption on
773 such date as may be determined by the authority. Subject to the provisions of any trust
774 indenture to the contrary, any such escrowed proceeds, pending such use, may be invested
775 and reinvested in accordance with Code Section 36-82-7 in order to assure the prompt
776 payment of the principal and interest and redemption premium, if any, on the outstanding
777 bonds to be so refunded. The interest, income, and profits, if any, earned or realized on any
778 such investment may also be applied to the payment of the outstanding bonds to be so
779 refunded. Only after the terms of the escrow have been fully satisfied and carried out shall
780 any balance of such proceeds and interest, income, and profits, if any, earned or realized
781 on the investments thereof be returned to the authority or the participating counties for use
782 by them in any lawful manner.

783 (h) The proceeds of the bonds, other than refunding bonds, of each series shall be used for
784 the payment of all or part of the cost of infrastructure for which such bonds have been
785 authorized and, at the option of the authority, for the deposit to a reserve fund or reserve
786 funds for the bonds; provided, however, that the authority may be paid, out of proceeds of
787 the sale and delivery of its bonds issued in accordance with this article, all of the authority's
788 out-of-pocket expenses and costs in connection with the issuance, sale, and delivery of such
789 bonds and the costs of obtaining insurance, guarantees, other credit enhancement, and
790 letters of credit securing payment of the bonds and the lease and the purchase payments,
791 plus an amount equal to the compensation paid to any employees or agents of the authority
792 for the time such employees or agents have spent on activities relating to the issuance, sale,
793 and delivery of the bonds. Bond proceeds shall be disbursed in the manner and under the
794 restrictions determined by the authority.

795 36-93-27.

796 (a) The bonds may be secured by a trust indenture by and between the authority and a
797 corporate trustee, which may be any bank having the power of a trust company, or any trust

798 company. The trust indenture may contain such provisions for protecting and enforcing
799 the rights and remedies of the holders of the bonds as may be reasonable and proper and
800 not in violation of law, including covenants setting forth the duties of the authority in
801 relation to the exercise of its powers and the custody, investment, safekeeping, and
802 application of all money. The authority may provide by the trust indenture for the payment
803 of the proceeds of the bonds and any lease, purchase, or other contractual payments to the
804 trustee under the trust indenture or other depository and for the method of disbursement
805 thereof with such safeguards and restrictions as the authority may determine. All expenses
806 incurred in carrying out the trust indenture may be treated as a part of the operating
807 expenses of the authority.

808 (b) Every series of bonds is payable solely out of revenues, assets, or money of the
809 authority as the authority determines, subject only to any agreements with the holders of
810 particular bonds pledging any particular money or revenue. The bonds may be additionally
811 secured by a pledge of any grant, contribution, or guarantee from the federal government
812 or any corporation, association, institution, or person or a pledge of any money, income,
813 or revenue of the authority from any source.

814 36-93-28.

815 (a) Neither the members of the authority nor any person executing bonds on behalf of the
816 authority shall be personally liable thereon by reason of the issuance thereof.

817 (b) The authority shall have the same immunity and exemption from liability as this state,
818 and the members, agents, and employees of the authority when in the performance of work
819 of the authority shall have the same immunity and exemption from liability as officers,
820 agents, and employees of this state.

821 (c) The offer, sale, or issuance of bonds by the authority shall not be subject to regulation
822 under Chapter 5 of Title 10, the 'Georgia Uniform Securities Act of 2008.' No notice,
823 proceeding, or publication except those required in this article shall be necessary for the
824 performance of any act authorized in this article nor shall any such act be subject to
825 referendum.

826 (d) No lease, purchase, or other contract between the authority and any participating
827 county shall be deemed to be a contract subject to any law requiring that a lease, purchase,
828 or other contract be let or entered into only after auction or receipt of competitive bids or
829 proposals.

830 36-93-29.

831 Bonds issued under this article shall not be deemed to constitute a debt or pledge of the
832 faith and credit of this state or any participating county within the meaning of any provision

833 of the Constitution or laws of this state. Bonds issued by the authority shall not directly,
834 indirectly, or contingently obligate this state or any participating county to levy or to pledge
835 any form of taxation whatever therefor or to make any appropriation for the payment
836 thereof, and all such bonds or other obligations of the authority shall contain recitals on
837 their face covering substantially the provisions of this Code section.

838 36-93-30.

839 The creation of the authority and the carrying out of its corporate purposes are in all
840 respects for the benefit of the people of this state and a public purpose, and the authority
841 is performing an essential governmental function in the exercise of the power conferred
842 upon it by this article. The state covenants with the holders of the bonds and any interest
843 coupons appertaining thereto that the authority shall not be required to pay any taxes or
844 assessments imposed by the state or any of its counties, municipal corporations, political
845 subdivisions, or taxing districts upon any of the property acquired, leased, or sold by it or
846 under its jurisdiction, control, possession, or supervision or upon its activities in the
847 operation or maintenance of the infrastructure acquired by it or upon any fees, rentals,
848 charges, or purchase prices, received in installments or otherwise, pertaining to such
849 infrastructure or upon other income received by the authority; that the bonds of the
850 authority, their transfer, and the interest and income therefrom shall at all times be exempt
851 from taxation within this state; and that the recording of any indenture or security
852 agreement by the authority shall be exempt from recording taxes and fees and from
853 intangible tax. The tax exemption provided in this Code section shall not include any
854 exemption from sales or use tax on property purchased by the authority or for use by the
855 authority, except that the authority shall be entitled to such exemption with respect to
856 property as is available to the participating county pursuant to Article 1 of Chapter 8 of
857 Title 48.

858 36-93-31.

859 While any of the bonds issued by the authority remain outstanding, the powers, duties, or
860 existence of the authority or of any of its officers shall not be diminished or impaired in any
861 manner that will adversely affect the interest and right of the holders of such bonds. This
862 article shall be for the benefit of the holders of any such bonds and, upon the issuance of
863 the bonds as provided in this article, such provisions shall constitute a contract with the
864 holders of such bonds. The provisions of any bond resolution, indenture, or trust
865 agreement shall be a contract with every holder of such bonds, and the duties of the
866 authority under any such bond resolution, indenture, or trust agreement shall be enforceable

867 by any bondholder by mandamus or other appropriate action or proceeding at law or in
868 equity.

869 36-93-32.

870 All moneys received by the authority pursuant to this article, whether as grants or other
871 contributions or as revenues, rents, installment purchase payments, and earnings, shall be
872 held in trust and applied solely as provided for in this article.

873 36-93-33.

874 The authority may hold title to any infrastructure leased, purchased, sold, or financed by
875 such authority but shall not be required to do so.

876 36-93-34.

877 The authority's legal situs or residence for the purpose of this article shall be Fulton
878 County. Any action to protect or enforce any rights under this article, including the
879 validation of revenue bonds issued by the authority as permitted in this article, shall be
880 brought in the Superior Court of Fulton County, and such court shall have exclusive
881 original jurisdiction of all such actions.

882 36-93-35.

883 Nothing in this article may be construed as a restriction or limitation upon any powers that
884 the authority might otherwise have under any other law of this state, and this article is
885 cumulative to such powers. This article shall be construed to provide a complete,
886 additional, and alternative mechanism for the doing of the things authorized and shall be
887 construed as supplemental to powers conferred by any other laws. The adoption by the
888 authority of bylaws and rules and the issuance of bonds by the authority under this article
889 need not comply with the requirements of any other state laws applicable to the adoption
890 of bylaws and rules and the issuance of bonds, notes, and other obligations. No
891 proceedings, notice, or approval is required for the issuance of any bonds or any instrument
892 or the security therefor or for the proper conduct of the authority's business, affairs, or
893 operations, except as provided in this article.

894 36-93-36.

895 This article, being for the welfare of this state and its inhabitants, shall be liberally
896 construed to effect its purposes.

897 36-93-37.

898 If the authority has not issued any bonds for infrastructure pursuant to an agreement with
899 participating counties within five years of the date of its creation, this article shall stand
900 repealed in its entirety."

901 **SECTION 3.**

902 Said title is further amended by revising paragraph (6) of Code Section 36-82-250, relating
903 to definitions regarding interest rate management agreements, as follows:

904 "(6) 'Local governmental entity' means any governmental body as defined in
905 paragraph (2) of Code Section 36-82-61, as amended; provided, however, that such term
906 shall only include authorities which are local public authorities included in the definition
907 thereof set forth in subparagraphs (C) and (D) of paragraph (2) of Code Section 36-82-61,
908 as amended. Such term includes the Georgia Municipal and Local Government
909 Infrastructure Finance Authority created by Article 1 of Chapter 93 of this title and the
910 Georgia County and Local Government Infrastructure Finance Authority created by
911 Article 2 of Chapter 93 of this title."

912 **SECTION 4.**

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

915 **SECTION 5.**

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