

House Bill 1796 (AS PASSED HOUSE AND SENATE)

By: Representative Jamieson of the 22nd

A BILL TO BE ENTITLED
AN ACT

1 To create the Stephens County Historic Courthouse Restoration Authority; to provide for a
2 definition; to provide for the purpose and powers of the authority; to provide for
3 appointment, eligibility, and terms of members of the authority; to provide for organization,
4 quorum, meetings, and expenses of the authority; to provide for rules and regulations; to
5 provide for agents and employees; to provide for accountability and for financial and other
6 records; to provide for audits; to limit the powers of the authority; to provide for open
7 meetings and public records; to provide for judicial jurisdiction; to provide that the powers
8 of the authority are supplemental; to provide for liberal construction; to provide an effective
9 date; to provide for the automatic repeal of this Act; to repeal conflicting laws; and for other
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 As used in this Act, the term "project" means land, buildings, furnishings, equipment, and
14 facilities located or to be located in Stephens County, Georgia, on the property known as the
15 Stephens County Historic Courthouse.

16 **SECTION 2.**

17 There is created a body corporate and politic to be known as the Stephens County Historic
18 Courthouse Restoration Authority which shall be deemed to be an instrumentality of the
19 State of Georgia and a public corporation, and, by that name, style, and title such body shall
20 contract and be contracted with, sue and be sued, implead and be impleaded, and complain
21 and defend in all courts of law and equity. The purpose of the authority shall be for the
22 restoration of the Stephens County Historic Courthouse. In carrying out that purpose, the
23 authority shall solicit assistance from persons and organizations interested in supporting,
24 financially and in other ways, the projects of the authority.

SECTION 3.

(a) The authority shall consist of five members who shall be appointed by the governing authority of Stephens County, Georgia. One member of the board of commissioners shall be appointed to serve on the authority. One member shall be appointed from the Stephens County Historical Society. Each member of the authority shall be appointed for a term of one year and until such person's successor is appointed or qualified.

(b) The members of the authority shall organize and enter upon the performance of their duties immediately after the effective date of this Act. The authority shall elect from its members a chairperson and a vice chairperson. The officers shall serve for such terms as shall be prescribed by the rules of the authority or until their successors are appointed and qualified.

(c) Three members of the authority shall constitute a quorum, and no vacancy on the authority shall impair the right of the quorum to exercise all of the rights and perform all of the duties of the authority at every meeting, but in every instance, the affirmative vote of at least three members of the authority shall be required to authorize any legal act of the authority.

(d) The members of the authority shall not be entitled to compensation for their services, but the members shall be reimbursed by the authority for their actual expenses in attending any meeting of the authority, which reimbursement shall be at the same rate as that provided to members of boards and commissions under Code Section 45-7-21 of the O.C.G.A. The authority shall make rules and regulations for its own government, but the authority may not employ professional staff or technical supervisors, assistants, experts, or any other agents and employees, temporary or permanent. The authority shall also establish the policies, rules, and regulations for the operation of its projects as it may require. The members of the authority shall be accountable in all respects as trustees, and the authority shall keep suitable books and records of all its obligations, contracts, transactions, undertakings, income, receipts of every kind and nature, and expenditures of every kind. The financial books and records of the authority shall be audited annually by the same auditor employed to audit the books and records of the Stephens County government. The audit shall be paid for by the authority, and copies of the audit shall be furnished to the Board of Commissioners of Stephens County. The audit shall be a public record.

SECTION 4.

The authority shall have the power to:

- (1) Adopt and alter a corporate seal;

(2) Construct, reconstruct, acquire, equip, own, alter, repair, maintain, add to, extend, improve, operate, and manage projects to restore the Stephens County Historic Courthouse;

(3) Acquire in its own name by purchase or lease from Stephens County, on such terms and conditions and in such manner as it may deem proper, real property or rights or easements therein, any personal property necessary or convenient for its corporate purposes and use;

(4) Contract with the State of Georgia and the agencies, instrumentalities, departments, and political subdivisions thereof and with private persons or corporations in such manner as may be necessary or convenient to accomplish the purposes of this Act, including but not limited to contracts for constructing, leasing, acquiring, equipping, altering, repairing, maintaining, adding to, extending, improving, upgrading, and managing projects;

(5) Exercise the powers provided by Code Section 45-9-1 of the O.C.G.A. to procure policies of liability insurance and contracts of indemnity to insure or indemnify members of the authority and its officers and employees against personal liability for damages arising out of the performance of their duties or any way connected therewith to the extent that such members, officers, or employees are not immune from such liability;

(6) Make contracts and execute all instruments necessary or convenient in connection therewith; and

(7) Adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted.

SECTION 5.

The authority shall not have the power of eminent domain. The authority shall not have the power to issue revenue bonds or certificates of participation. The authority shall not have the power to incur any indebtedness in or for the purpose of the acquisition of real or personal property.

SECTION 6.

All meetings of the authority shall be conducted in accordance with Chapter 14 of Title 50 of the O.C.G.A., relating to open and public meetings. Records of the authority shall constitute public records in accordance with Article 4 of Chapter 8 of Title 50 of the O.C.G.A., relating to inspection of public records.

SECTION 7.

Any action brought against the authority shall be brought in the Superior Court of Stephens County and such court shall have exclusive jurisdiction of such action.

SECTION 8.

The provisions of this Act shall be deemed to provide an additional and alternative method for the doing of things authorized by this Act and shall be regarded as supplemental and additional to powers conferred by other laws and shall not be regarded as in derogation of any powers now existing.

SECTION 9.

This Act, being for the welfare of Stephens County and its citizens, shall be liberally construed to effect the purposes of this Act.

SECTION 10.

(a) This Act shall become effective on July 1, 2004.

(b) This Act shall stand repealed in its entirety on July 1, 2014.

SECTION 11.

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