

Senate Bill 281

By: Senator Mallow of the 2nd

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To create the Port Wentworth Convention and Visitors Bureau Authority; to provide for a
2 short title; to provide for the appointment, terms, removal, and compensation of authority
3 members; to provide for officers of the authority; to provide for an executive director and
4 employees; to provide for meetings, quorums, and majorities; to provide for the duties and
5 powers of the authority; to provide for tax statutes of the authority; to limit liabilities; to
6 provide for budget oversight; to authorize the use of hotel-motel tax proceeds to fund the
7 authority; to provide for inspections; to place limitations on authority contracts, agreements,
8 obligations, and indebtedness; to provide for related matters; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 This Act shall be known and may be cited as the "Port Wentworth Convention and Visitors
13 Bureau Authority Act."

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SECTION 2.

15 (a) The Port Wentworth Convention and Visitors Bureau Authority shall consist of five
16 members. All members of the authority shall be at least 18 years of age and residents of the
17 City of Port Wentworth or owners or employees of businesses located within the city. At
18 least one member shall be an owner or management employee of a hotel, motel, inn, or bed
19 and breakfast located in the city. The city council shall appoint each member of the authority
20 for one-year terms of office.

21 (b) Any member may be removed by a two-thirds' majority vote of city council.

22 (c) All members shall serve without compensation, unless otherwise permitted by law.

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SECTION 3.

24 The authority shall elect a chairperson, vice chairperson, and secretary-treasurer from its
25 membership. These officers shall be elected on a calendar-year basis but may be reelected
26 for succeeding terms. The chairperson shall be entitled to vote on all issues.

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SECTION 4.

28 The authority shall have the power to employ an executive director as may be necessary for
29 the operation of the authority's activities. The authority may delegate such powers and
30 responsibilities as are necessary for the executive director to administer the business of the
31 authority and its agencies created in this Act or at a later date. The authority shall set policies
32 governing the review of the executive director's activities. The executive director shall have
33 full charge of the offices and all employees of the authority and shall recommend to the
34 authority the hiring and termination of the employees. The authority shall establish salaries
35 and compensation for the executive director and all of its employees of the authority.

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SECTION 5.

37 (a) The authority shall meet at such times as may be necessary to transact the business
38 coming before it. Meetings of the authority shall be open to the public in accordance with
39 the laws of this state. Written minutes of all meetings shall be kept, and, within ten days of
40 each meeting, a copy of the minutes shall be furnished to the mayor and city council.
41 Meetings shall be conducted in accordance with *Robert's Rules of Order*.

42 (b) Three members of the authority shall constitute a quorum for the transaction of any
43 business, including election of officers. The majority of the votes cast shall determine all
44 questions and elections.

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SECTION 6.

46 (a) The duties of the authority shall be to:

- 47 (1) Promote tourism, trade, and conventions for the City of Port Wentworth;
- 48 (2) Study, investigate, and develop plans for improving tourism in the City of Port
49 Wentworth and the area and approving things that tend to bring visitors and conventions
50 into the city;
- 51 (3) Advise and recommend plans to the city council and departments of the city for the
52 development of tourism in the city; and
- 53 (4) Otherwise promote public interest in the general improvement of tourism in the city.

54 (b) Nothing in this Act shall be construed to abridge or change the powers and duties of
55 other authorities, departments, boards, and other such agencies of the city.

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SECTION 7.

57 (a) The authority shall have all powers necessary or convenient to carry out and effectuate
58 the purpose and provisions of this Act, including, but without limiting the generality of the
59 foregoing, the power:

- 60 (1) To sue and be sued in contract and in tort and to complain and defend in all courts;

- 61 (2) To adopt and alter a corporate seal;
- 62 (3) To acquire in its own name real property or rights and easements therein and franchises
63 and personal property necessary or convenient for its corporate purposes by purchase on
64 such terms and conditions and in such manner as it may deem proper or by gift, grant,
65 lease, or otherwise; to insure the same against any and all risks as such insurance may,
66 from time to time, be available; and to use such property, rent or lease the same to or from
67 others, make contracts with respect to the use thereof, or sell, lease, or otherwise dispose
68 of any such property in any manner it deems as the best advantage of the authority and the
69 purposes thereof. Title to any such property of the authority shall be held by the authority
70 exclusively for the benefit of the public;
- 71 (4) To exercise any one or more of the powers, rights, and privileges conferred by this Act
72 either alone or jointly or in common with one or more other parties, whether public or
73 private. In any such exercise of such powers, rights, and privileges jointly or in common
74 with respect to the construction, operation, and maintenance of projects the authority may
75 own an undivided interest in such projects with any other parties, whether public or private.
76 The authority may enter into agreements with respect to any project with the other parties
77 participating therein, and any such agreement may contain such terms, conditions, and
78 provisions consistent with this Act as the parties thereto may deem to be in their best
79 interest;
- 80 (5) To make and exercise contracts, agreements, and other instruments necessary or
81 convenient to exercise the powers of the authority or to further the public purpose for
82 which the authority is created;
- 83 (6) To borrow money to further or carry out its public purpose and to execute notes other
84 obligations, leases, loan agreements, mortgages, deeds to secure debt trust deeds security
85 agreements, assignments, and such other agreements or instruments as may be necessary
86 or desirable in the judgment of the authority to evidence and to provide security for such
87 borrowing;

- 88 (7) To make application directly or indirectly to any federal, state, county, or municipal
89 government or agency or to any other source, whether public or private, for loans, grants
90 guarantee, or other financial assistance in furtherance of the authority's public purposes and
91 to accept and use the same upon such terms and conditions as are prescribed by such
92 federal, state, county, or municipal government or agency or other source;
- 93 (8) To enter into agreements with the federal government, state government, or any agency
94 thereof to use the facilities or services of the federal government, state government, or any
95 agency thereof in order to further or carry out the public purposes of the authority;
- 96 (9) Subject to proper appropriation to the authority, to receive and use the proceeds of any
97 tax levied by a political subdivision or taxing district of the state to pay the cost of any
98 project or for any other purpose for which the authority may use its own funds pursuant to
99 this Act;
- 100 (10) To accept donations and appropriations of money, services, products, property, and
101 facilities for expenditure and use by the authority for the accomplishment of its purpose;
- 102 (11) To adopt bylaws governing the conduct of business by the authority, the election and
103 duties of officers of the authority, and other matters which the authority determines to
104 include in its bylaws;
- 105 (12) To invest any accumulation of its funds in any manner that public funds of the state
106 or its political subdivisions may be invested; and
- 107 (13) To do any and all things necessary or proper for the accomplishment of the objectives
108 of this Act and to exercise any power usually possessed by private corporations performing
109 similar functions which is not in conflict with the public purpose of the authority or the
110 Constitution and laws of this state.
- 111 (b) The powers enumerated in each paragraph of subsection (a) of this section are
112 cumulative of and in addition to those powers enumerated elsewhere in this Act and no such
113 power shall limit or restrict any other power of the authority.

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SECTION 8.

115 The properties of the authority, both real and personal, are declared to be public properties
116 used for the benefit and welfare of the people of the City of Port Wentworth, and not for
117 purposes of private or corporate benefit and income. To the extent permitted and authorized
118 by general law, such properties, to the extent of the authority's ownership therein, the
119 authority, all income and obligations of the authority, and all transfers of such properties
120 shall be exempt from all taxes and special assessments of the state or any city, county, or
121 other political subdivision thereof. To the extent permitted and authorized by general law,
122 the authority shall have all of the exemptions and exclusions from taxes that are now granted
123 to cities and counties for the operation of properties or facilities similar to properties and
124 facilities to be owned or operated by the authority.

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SECTION 9.

126 Neither the members of the authority nor any person executing notes or obligations on behalf
127 of the authority shall be personally liable thereon by reason of said execution.

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SECTION 10.

129 The authority shall submit an annual budget to the mayor and city council of the City of Port
130 Wentworth. The City of Port Wentworth, upon approval by the city council, may fund the
131 authority from the revenues the city receives from its hotel-motel tax. In the event such
132 hotel-motel tax proceeds are provided to the authority, the authority shall comply with all
133 provisions relative to the expenditure of said funds contained in Article 3 of Chapter 13 of
134 Title 48 of the O.C.G.A., as now or hereafter in effect, and any other criteria deemed proper
135 by the mayor and city council.

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SECTION 11.

137 The city council of the City of Port Wentworth shall be authorized, on its own number or
138 through a designated employee, agent, or representative, to inspect the state and condition
139 of the authority and the properties thereto belonging, as well as all books and accounts
140 pertaining to the affairs of the authority, and the authority shall give and furnish them any
141 reasonable facility and assistance in making such inspections.

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SECTION 12.

143 The authority shall not have the power or authority to bind the City of Port Wentworth by
144 any contract, agreement, financial obligation, indebtedness, or otherwise. No contract,
145 agreement, financial obligation, or indebtedness incurred by the authority shall be a claim
146 or charge against the city.

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SECTION 13.

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