



Secretary of State

Elections Division

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Lewis A. Massey
SECRETARY OF STATE

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April 3, 1998

MEMORANDUM

From: Lewis A. Massey
Secretary of State

Subject: Enactments of the General Assembly

Enclosed for your information is legislation which was passed during the recent session of the General Assembly.

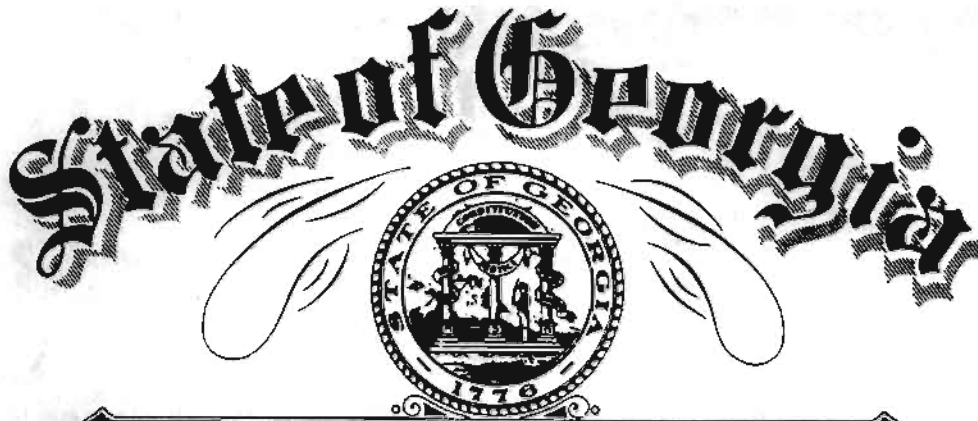
Any time this office may be of service to you, please call on me.

/ach

Enclosure

*Public Facilities
Authority*

*Make New
file*



OFFICE OF SECRETARY OF STATE

I, Lewis A. Massey, Secretary of State of the State of Georgia, do hereby certify that the eighteen pages of photocopied matter hereto attached contains a true copy of an Act approved by the Governor on March 27, 1998 numbered Act Number 691(H.B.1768); all as same appear of file and record in this office.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 3rd day of April, in the year of our Lord One Thousand Nine Hundred and Ninety-eight and of the Independence of the United States of America the Twenty-second. Two Hundred and

Lewis A. Massey

ENROLLMENT

March 24 1998

The Committee of the House on Journals has examined the within and finds the same properly enrolled.

Robert Roy
Chairman

Thomas Murphy
Speaker of the House

Robert Rivers
Clerk of the House

Gene Howard
President of the Senate

Frank Eldridge Jr.
Secretary of the Senate

Received Steve W. Whigley
Secretary, Executive Department

This 24th day of March 19 98

Approved

Sam Massey
Governor

This 27th day of March 19 98

H. B. No. 1768 Act No. 691

General Assembly



AN ACT

To create the City of Winder Public Facilities Authority; and for other purposes.

IN HOUSE

Read 1st time 2.24.98
Read 2nd time 2.26.98
Read 3rd time 2.27.98

Ayes 99

And

Passed
Nays 4

Robert Rivers
Clerk of the House

IN SENATE

Read 1st time 3.2.98
Read 2nd time
Read 3rd time

Ayes 48

And

Passed 3/5/98
Nays 0

Frank Eldridge Jr.
Secretary of the Senate

By: Rep. Massey of the 86th

AN ACT

To create the City of Winder Public Facilities Authority; to authorize the authority to acquire, construct, extend, improve, equip, operate, and maintain projects embracing sources of water supply, small watershed projects, projects for watershed protection and flood control and prevention, sewerage systems, both sanitary and storm, sewage disposal and sewage treatment plants, and any and all other related facilities, including recreational facilities connected therewith; parks, playgrounds, hiking, camping, and picnicking areas, swimming pools, golf courses, tennis courts, athletic fields and courts, club houses and gymnasiums, and all other recreational facilities and centers; to confer powers and to impose duties on the authority; to provide for the members of the authority and their tenure and compensation; to authorize the authority to contract with others for the use of the utilities and facilities of the authority and to execute leases and do all things deemed necessary or convenient for the operation of the authority's undertakings or projects; to authorize the issuance of revenue bonds or obligations of the authority, payable from the revenues, tolls, fees, charges, and earnings of the authority and to pay the cost of such undertakings or projects and to authorize the collection and pledging of the revenues and earnings of the authority for the payment of such bonds or obligations and to authorize the execution of resolutions and trust indentures to secure the payment thereof and to define the rights of the holders of such bonds or obligations; to provide that no debt of the City of Winder shall be incurred in the exercise of any of the powers granted by this Act; to make the bonds or obligations of the authority exempt from taxation; to provide for the authority to be empowered to condemn property of every kind; to authorize the issuance of refunding bonds or obligations; to fix the venue or jurisdiction of actions relating to any provisions of this Act and to provide that such bonds or obligations be validated as authorized by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law"; to provide for liberal construction; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Short title.

This Act shall be known and may be cited as the "City of Winder Public Facilities Authority Act."

SECTION 2.

City of Winder Public Facilities Authority.

(a) There is created a body corporate and politic to be known as the "City of Winder Public Facilities Authority," which shall be deemed to be a political subdivision of the State of Georgia and a public corporation, and by that name, style and title said body may contract and be contracted with, sue and be sued, implead and be impleaded and complain and defend in all courts of law and equity, except that the authority or the trustee acting under the trust indenture shall in no event be liable for any torts committed by any of the officers, agents, or employees of the authority. The authority is granted the same exemptions and exclusions from taxes as are now granted to cities for the operation of facilities similar to facilities to be operated by the authority as provided under the provisions of this Act. The authority shall have perpetual existence.

(b) The authority shall consist of five members: the mayor of the City of Winder, two members of the council of the City of Winder appointed by the mayor and city council, the city manager of the City of Winder, and one additional member appointed by the mayor and council of the city. With respect to the members of the authority who serve by virtue of their offices or positions with the city, the terms of their office as members of the authority shall be concurrent with their respective offices or positions with the city. In addition with respect to the terms of the members of the authority appointed by the mayor and council of the city, the term of such members shall be for two years. The member who is appointed by the mayor and council and who is not a councilperson must be a resident of the City of Winder. Any member of the authority may be selected and appointed to succeed himself or herself.

(c) The mayor and council of the City of Winder, Georgia, may provide by resolution for compensation for the services of the members of the authority in such amounts as they may

deem appropriate; provided, however, that such members shall be in any event reimbursed for their actual expenses necessarily incurred in the performance of their duties.

(d) The members of the authority shall elect one of their number as chairperson and another as vice chairperson. The members of the authority shall also elect a secretary, who need not be a member of the authority, and may also elect a treasurer, who need not be a member of the authority. The secretary may also serve as treasurer. If the secretary or treasurer are not members of the authority, such officer shall have no voting rights. Each of such officers shall serve for a period of one year and until their successors are duly elected and qualified.

(e) A majority of the members of the authority shall constitute a quorum and, except as provided in this subsection, any action may be taken by the authority upon the affirmative vote of a majority of a quorum of the members. 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. A majority vote of the total membership of the authority shall be required for the authority to create any debt or issue any negotiable revenue bonds.

(f) The authority shall be subject to all of the provisions of Chapters 14 and 18 of Title 50 of the O.C.G.A., the open meetings and open records laws of the State of Georgia.

SECTION 3.

Definitions.

As used in this Act, the term:

(1) "Authority" means the City of Winder Public Facilities Authority created in Section 2 of this Act.

(2) "Cost of the project" means the cost of construction, the cost of all lands, properties, rights, easements, and franchises acquired; the cost of all machinery and equipment, financing charges, interest prior to and during construction and for one year after completion of construction; cost of engineering, architectural, fiscal, and legal expenses and of plans and specifications, and other expenses necessary or incidental to determining the feasibility or practicability of the project; administrative expenses,

and such other expenses as may be necessary or incident to the financing authorized by this Act; the construction of any project; the placing of the same in operation; and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this Act for such project.

(3) "Project" means and includes the acquisition, construction, and equipping of water facilities for obtaining one or more sources of water supply, small watershed projects, works of improvements for watersheds, projects for watershed protection and flood control and prevention, recreational facilities developed in connection therewith, the treatment of water, and additions to, improvements to, extensions of, and the operation and maintenance of same, watershed protection and improvement, and flood control and prevention; the acquisition, construction, and equipping of sewerage facilities useful and necessary for the gathering of waste matter, and the treatment of sewage of any and every type, including, but not limited to, the acquisition and construction of treatment plants, ponds, and lagoons inside and outside the territorial boundaries of the City of Winder, and additions and improvements to and extensions of such facilities and the operation and maintenance of same so as to assure an adequate sewerage system. Project also means an athletic stadium or stadiums, recreational centers and areas, including, but not limited to, playgrounds; parks, hiking, camping, and picnicking areas; swimming pools; lakes; golf courses; tennis courts; athletic fields and courts; club houses and gymnasiums; and all facilities appertaining to such stadiums and recreational centers and areas. Said facilities and projects, at the discretion of the authority, may be combined at any time as one revenue-producing undertaking and operated and maintained as such.

(4) "Revenue bonds," "bonds," or "obligations" means revenue bonds as defined and provided for in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue

Bond Law," and such type of obligations may be issued by the authority as authorized under the "Revenue Bond Law" and any amendments thereto and, in addition, shall also mean obligations of the authority the issuance of which are specifically provided for in this Act.

(5) "Self-liquidating" means any project where, in the judgment of the authority, the revenues and earnings to be derived by the authority therefrom and all facilities used in connection therewith will be sufficient to pay the cost of operating, maintaining and repairing, improving, and extending the project and to pay the principal of and interest on the revenue bonds which may be issued to finance, in whole or in part, the cost of such project or projects.

SECTION 4.

Powers.

The Authority shall have the following powers to:

(1) Have a seal and alter the same at pleasure;

(2) Acquire by purchase, lease, gift, condemnation, or otherwise, and to hold, operate, maintain, lease, and dispose of real and personal property of every kind and character for its corporate purposes;

(3) Acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property, or rights or easements therein or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to be to the best advantage of the authority, the authority being under no obligation to accept and pay for any property condemned under this Act from the funds provided under the authority of this Act, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action, or proceedings as may be just to the authority and to the owners of the property to be condemned, and no property shall be acquired under the provisions of this Act upon which any

lien or encumbrance exists, unless at the time such property is so acquired a sufficient sum of money is deposited in trust to pay and redeem the fair value of such lien or encumbrance; and if the authority shall deem it expedient to construct any project on any lands the title to which shall then be in the City of Winder, the governing authority or body of said city is authorized to convey title to such lands to the authority upon payment for the credit of the general funds of said city the reasonable value of such lands. Notwithstanding anything to the contrary contained in this Act, the authority shall have the right, easement, and franchise of laying the necessary mains, pipes, conduits, and drains for waterworks, sewerage, and drainage systems purposes within the rights of way of streets, roads, and highways in the City of Winder, without cost, except that the authority shall repair all damage done by the authority by reason thereof;

(4) Appoint, select and employ officers, agents and employees, including engineering, architectural, and construction experts, fiscal agents and attorneys, and fix their respective compensations;

(5) Make and execute contracts, leases, and instruments, which shall be necessary or convenient, including contracts for acquisition and construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be constructed or acquired; and any and all persons, firms, and corporations, and the state and any and all political subdivisions, departments, institutions, or agencies of the state, are authorized to enter into contracts, leases, agreements with the authority upon such terms and for such purposes as they deem advisable; and without limiting the generality of the above, authority is specifically granted to municipal corporations, counties, and other political subdivisions and to the authority to enter into contracts, lease agreements, or other undertakings relative to the furnishing of services and facilities by the authority to such municipal corporations, counties, and political subdivisions for a term not exceeding 50 years;

(6) Construct, erect, acquire, own, repair, remodel, maintain, extend, improve, equip, operate and manage

projects, as defined in this Act; the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds or other funds of the Authority or from such proceeds or other funds and any grant from the United States of America or any agency or instrumentality thereof or from the State or any agency or instrumentality thereof;

(7) Accept loans and grants of money or materials or property of any kind from the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may impose;

(8) Accept loans and grants of money or materials or property of any kind from the State of Georgia or any agency or instrumentality or political subdivision thereof, upon such terms and conditions as the State of Georgia or such agency or instrumentality or political subdivision may impose;

(9) Borrow money for any of its corporate purposes and to execute notes or other evidences of such indebtedness and to secure the same;

(10) Issue negotiable revenue bonds, payable solely from funds pledged for the purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(11) Exercise any power usually possessed by private corporations performing similar functions, including the power to incur short-term debt and to approve, execute, and deliver appropriate evidence of any such indebtedness, provided that such power is not in conflict with the Constitution and laws of this State; and

(12) Do all things necessary or convenient to carry out the powers expressly given in this Act.

SECTION 5.

Revenue bonds.

The authority or any authority or body which has or which may in the future succeed to the powers, duties, and liabilities vested in the authority created by this Act shall have power and is authorized at one time, or from time

to time, to provide by resolution for the issuance of negotiable revenue bonds for the purpose of paying all or any part of the cost of any one or more projects, as defined in paragraph (2) of Section 3 of this Act. The principal of and interest on such revenue bonds shall be payable solely from the special fund provided for in this Act for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates, shall provide for when interest shall be payable and when principal shall mature, and shall be payable in such medium of payment as to both principal and interest as may be determined by the authority and may be made redeemable before maturity at the option of the authority at such price or prices and under such terms and conditions as may be fixed by the authority in the resolution providing for the issuance of the bonds. In addition, the authority shall have the power to issue revenue bonds or obligations pursuant to and in conformity with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law."

SECTION 6.

Revenue bonds; form; denomination; registration;
place of payment.

The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company inside or outside the state. The bonds may be issued in coupon or registered form, or both, as the authority may determine and provision may be made for registration of any coupon bond as to principal alone and also as to both the principal and interest.

SECTION 7.

Revenue bonds; signatures; seal.

All such revenue bonds shall bear the manual or facsimile signature of the chairperson of the authority, attested by the manual or facsimile signature of the secretary of the authority, and the official seal or a facsimile thereof shall be affixed thereto and any coupons attached thereto shall bear the facsimile signatures of the chairperson and the secretary of the authority. Any coupon may bear the facsimile signatures of such persons and any bond may be

signed, sealed, and attested on behalf of the authority by such person as at the actual time of the execution of such bonds shall be duly authorized or hold the proper office, although at the date of such bonds such person may not have been so authorized or shall not have held such office. In case any officer whose signature shall appear on any bonds or whose signature shall appear on any coupon shall cease to be such officer before delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 8.

Revenue bonds; negotiability; exemption from taxation.

All revenue bonds issued under the provisions of this Act shall have and are declared to have all the qualities and incidents of negotiable instruments under the laws of this state. Such bonds are declared to be issued for an essential public and governmental purpose and said bonds and the income therefrom shall be exempt from all taxation within the state.

SECTION 9.

Revenue bonds; sale; proceeds.

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

SECTION 10.

Revenue bonds; interim receipts and certificates or temporary bonds.

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

SECTION 11.

Revenue bonds; replacement of lost or mutilated bonds.

The authority may also provide for the replacement of any bond or any coupons which shall become mutilated or be destroyed or lost.

SECTION 12.

Revenue bonds; conditions precedent to issuance.

Such revenue bonds shall be issued as required by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law." Any resolution providing for the issuance of revenue bonds under the provisions of this Act shall become effective immediately upon passage; and any such resolution may be passed at any regular or special or adjourned meeting of the authority by a majority of its members.

SECTION 13.

Credit not pledged.

Revenue bonds issued under the provisions of this Act shall not constitute a debt of the City of Winder, nor a pledge of the faith and credit of said city, but such bonds shall be payable solely from the fund provided for in this Act and the issuance of such revenue bonds shall not directly, indirectly, or contingently obligate said city to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this section.

SECTION 14.

Trust indenture as security.

In the discretion of the authority, any issue of such revenue bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company inside or outside the state. Such trust indenture may pledge or assign fees, tolls, revenues, and earnings to be received by the authority. Either the resolution providing for the issuance of the revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair, and insurance of the project, and the custody,

safeguarding, and application of all moneys, and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the authority and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this state to act as such depository and to furnish such indemnifying bonds or pledge such securities as may be required by the authority. Such indenture may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the authority may deem reasonable and proper for the security of bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repair of the project affected by such indenture.

SECTION 15.

To whom proceeds of bonds shall be paid.

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

SECTION 16.

Sinking fund.

The revenues, fees, tolls, and earnings derived from any particular project or projects, regardless of whether or not such fees, earnings, and revenues were produced by a particular project for which bonds have been issued unless otherwise pledged and allocated, may be pledged and allocated by the authority to the payment of the principal and interest on revenue bonds of the authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide, and such funds so pledged from whatever source received, which pledge may include funds

adjudicated as a part of the basis for the security for the payment of any such bonds of the authority. The bonds, when validated, and the judgment of validation shall be final and conclusive with respect to such bonds and the security for the payment thereof and the interest thereon and against the authority issuing the same, the state, and any municipality, county, authority, political subdivision, or instrumentality thereof, if a party to the validation proceedings, contracting with the City of Winder Public Facilities Authority.

SECTION 21.

Interest of bondholders protected.

(a) While any of the bonds issued by the authority remain outstanding, the powers, duties or existence of said authority or its officers, employees, or agents shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds, and no other entity, department, agency, or authority will be created which will compete with the authority to such an extent as to affect adversely the interest and rights of the holders of such bonds, nor will the state itself so compete with the authority.

(b) The provisions of this Act shall be for the benefit of the authority and the holders of any such bonds and, upon the issuance of bonds under the provisions of this Act, shall constitute a contract with the holders of such bonds.

SECTION 22.

Moneys received considered trust funds.

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

SECTION 23.

Tort immunity.

To the extent permitted by law, the authority shall have the same immunity and exemption from liability for torts and negligence as the City of Winder, and the officers, agents, and employees of the authority when in the performance of the work of the authority shall have the same immunity and exemption from liability for torts and negligence as the

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is hereby given that there will be introduced at the regular 1998 session of the General Assembly of Georgia a bill to provide for the creation and establishment of a City of Winder, Georgia Public Facilities Authority and for other purposes

This 13th day of February, 1998.

Warren Massey
Representative

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Warren Massey, who on oath deposes and says that he is the Representative from the 86th District and further deposes and says as follows:

(1) That the attached Notice of Intention to Introduce Local Legislation was published in the Barrow Eagle which is the official organ of Barrow County on the following date:

February 18, 1998

(2) That the laws requiring notice of local legislation were further complied with in the manner checked below:

 A copy of the notice of intention was mailed, transmitted by facsimile, or otherwise provided to the governing authority of any county, municipality, or consolidated government whose charter or enabling Act is amended, as required by subsection (b) of Code Section 28-1-14.

 The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill was requested by resolution or other written notification of the governing authority of the affected county, municipality, or consolidated government; and a copy of such resolution or other written notification is attached hereto.

The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill does not amend the charter of a municipality or the enabling Act of a county or consolidated government or the bill affects a local school system.

 The notice requirement of subsection (b) of Code Section 28-1-14 does not apply because the bill is an annexation bill and a copy of the bill was provided to the county governing authority within which the area proposed to be annexed is located at the time the notice was published, as required by Code Section 28-1-14.1.

Warren Massey
s/ WARREN MASSEY 86th District Representative

Sworn to and subscribed before me, this
23rd day of February
1998.

Teresa Adkins
s/ Teresa Adkins

Notary Public, Clayton County, Georgia
My Commission Expires Jan. 8, 2001

(SEAL)

H. B. No. 1768

MAR 27 1998

BY GOVERNOR