

House Bill 305 (AS PASSED HOUSE AND SENATE)

By: Representative Jackson of the 128th

A BILL TO BE ENTITLED
AN ACT

1 To create the Sandersville School Building Authority; to provide for a short title; to confer
2 powers and impose duties on the authority; to provide for the membership and the
3 appointment of members of the authority and their terms of office, qualifications, duties, and
4 powers; to provide for vacancies, organization, meetings, and expenses; to provide for
5 definitions; to provide for the transfer of property; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Sandersville School Building Authority
10 Act."

11 **SECTION 2.**

12 There is created a body corporate and politic to be known as the Sandersville School
13 Building Authority. By that name, style, and title, such body may contract and be contracted
14 with, sue and be sued, implead and be impleaded, and complain and defend in all courts of
15 law and equity, except that the authority or the trustee acting under the trust indenture shall
16 in no event be liable for any torts committed by any of the officers, agents, and employees.
17 The authority shall not be a state institution nor a department or agency of the state but shall
18 be an instrumentality of the state, a mere creation of the state, having a distinct corporate
19 entity. The authority shall have its principal office in the Town of Sandersville, and its legal
20 situs or residence for the purposes of this Act shall be Washington County. The authority
21 is granted the same exemptions and exclusions from taxes as are now granted to cities and
22 counties for the operation of facilities similar to facilities to be operated by the authority as
23 provided under the provisions of this Act.

24 **SECTION 3.**

25 The authority is created for the purpose of acquiring, maintaining, developing, owning, and
26 operating the building and grounds of the former Sandersville Elementary School in
27 Sandersville, Georgia, in a manner that preserves this historic building, makes use of this
28 space for cultural, artistic, and community endeavors, and generates revenues for the
29 maintenance, improvement, and preservation of the facility and its grounds. The authority
30 shall have perpetual existence. Any change in name or composition of the authority shall in
31 no way affect the vested rights of any person under this part or impair the obligations of any
32 contracts existing under this part.

33 **SECTION 4.**

34 (a)(1) The authority shall consist of nine members selected as provided in this subsection.
35 The initial members shall be appointed by the Governor and shall be as provided in
36 paragraph (2) of this subsection. The Governor shall designate four members to serve
37 two-year terms and five members to serve four-year terms, and until their successors have
38 been appointed. Thereafter, members shall be appointed by the authority from nominations
39 made by the county commission, which shall nominate candidates for each vacancy. The
40 terms of the members of the authority shall be for four years, beginning on July 1 of the
41 year of their appointment, and until their successors have been appointed. Members of the
42 authority may succeed themselves in office.

43 (2) Membership of the authority shall be residents of Washington County and shall include
44 the following:

45 (A) One representative of the Washington County Historical Society;

46 (B) Two representatives of the arts community, one from visual arts and one from the
47 local theater;

48 (C) One representative of the kaolin industry;

49 (D) One representative of the agricultural community, including agribusiness and the
50 Cooperative Extension Service;

51 (E) One representative of the Chamber of Commerce; and

52 (F) Three members drawn from the community at large who have demonstrated a record
53 of promoting Washington County and its welfare as well as having an interest in the
54 welfare and promotion of the Sandersville school building.

55 (b) Any vacancy on the authority shall be filled for the remainder of the vacant term by the
56 authority by appointment from nominations made by the county commissioner. Three
57 nominations shall be made for each vacancy.

58 (c) Five members of the authority shall constitute a quorum, and the affirmative votes of
59 four members shall be required for any action by the authority. No vacancy on the authority

60 shall impair the right of the quorum to exercise all the rights and perform all the duties of the
61 authority.

62 (d) The authority shall make rules and regulations for its own government. It shall have
63 perpetual existence.

64 (e) The authority shall elect its own officers.

65 (f) The members of the authority shall receive no compensation for their services on the
66 authority but may receive reimbursement for expenses associated with their services pursuant
67 to rules to be adopted by the authority.

68 (g) The members of the authority shall be accountable in all respects as trustees. The
69 authority shall keep suitable and proper books and records of all receipts, income, and
70 expenditures of every kind and shall submit for inspection all the books, together with the
71 proper statement of the authority's financial position, to the state auditor.

72 **SECTION 5.**

73 The authority shall meet at such times as may be necessary to transact the business coming
74 before it, but not less than quarterly. All meetings shall be called, noticed, and conducted in
75 accordance with Chapter 14 of Title 50 of the Official Code of Georgia Annotated. Motions,
76 resolutions, and all other proceedings of the authority and all documents and records shall
77 be open to public inspection, except as authorized by provisions of the Georgia open records
78 laws.

79 **SECTION 6.**

80 All funds deposited by the authority in any bank shall be placed in the name of the authority
81 and shall be withdrawn or paid out only by check or draft on the bank, signed by the
82 secretary-treasurer and countersigned by the chairperson a vice chairperson of the authority.

83 **SECTION 7.**

84 The authority shall have the power:

85 (1) To adopt a seal and alter the same at its pleasure. The seal shall be impressed upon
86 instruments of the authority, and any executed instrument bearing the seal of the authority
87 shall be prima-facie evidence of its execution by the authority and that its execution was
88 duly, regularly, and legally authorized by the authority;

89 (2) To receive and administer gifts, grants, and donations;

90 (3) To acquire in its own name by grant, purchase, gift, devise, or lease and to hold, use,
91 sell, lease, or dispose of real and personal property of every kind and nature whatsoever,
92 licenses, patents, rights, and interest necessary for the full, convenient, or useful exercise
93 of carrying out any of its powers pursuant to this Act;

- 94 (4) To acquire, develop, own, operate, and maintain the former buildings and grounds of
95 Sandersville Elementary School, including power to acquire by purchase, lease, gift, or
96 otherwise all or any part of any patents, licenses, rights, interest, engineering studies, data,
97 or reports owned or held by any person, firm, or corporation and determined by the
98 authority to be necessary, convenient, or useful to the authority in connection with the
99 acquisition, construction, completion, development, operation, or maintenance of such
100 building;
- 101 (5) To appoint, select, and employ officers, agents, and employees and provide for their
102 personnel services and benefits, including payroll, insurance, and retirement programs;
- 103 (6) To enter into contracts with consultants and independent contractors, including
104 engineering, architectural, and construction experts, fiscal agents, and attorneys, and to fix
105 their respective compensation;
- 106 (7) To make contracts, intergovernmental agreements, and leases and to execute all
107 instruments necessary or convenient, including contracts for the acquisition of existing
108 transportation facilities, acquisition of new facilities and property, managerial and
109 operating services, and such other matters and things as may be needful and necessary to
110 the proper and efficient operation of the business of the authority;
- 111 (8) To accept loans and grants or to accept loans or grants of money or materials or
112 property of any kind from the United States of America or any agency or instrumentality
113 or political subdivision thereof or from any other source, upon such terms and conditions
114 as the United States of America or such agency or instrumentality or other source may
115 impose;
- 116 (9) To accept loans and grants or to accept loans or grants of money or materials or
117 property of any kind from the State of Georgia or any agency or instrumentality or political
118 subdivision thereof or from any other source, upon such terms and conditions as the State
119 of Georgia or such agency or instrumentality or political subdivision or any other source
120 may impose;
- 121 (10) To borrow money for any of its corporate purposes and to execute evidence of such
122 indebtedness by promissory notes or otherwise, to secure the same, and to provide for the
123 payment of the same and for the rights of the holders thereof;
- 124 (11) To exercise any power usually possessed by private corporations performing similar
125 functions which is not in conflict with the Constitution and laws of this state;
- 126 (12) To do all things necessary or convenient to exercise and carry out the powers
127 especially given in this Act;
- 128 (13) To make rules and bylaws for the orderly operation of the authority;
- 129 (14) To sue and to be sued in its corporate name in all courts of competent jurisdiction;

130 (15) To accumulate its funds from year to year and to invest the same in any manner that
131 instrumentalities of the State of Georgia or any of its political subdivisions may be
132 invested; and

133 (16) To procure and enter into contracts for any type of insurance and indemnity against
134 loss or damage to its property from any cause, including loss or use and occupancy, against
135 death or injury of any person, against employees' liability, against any act of any member,
136 officer, or employee of the authority in the performance of the duties of his or her office,
137 or against employment of any other insurance risk.

138 **SECTION 8.**

139 All construction contracts and all contracts for the purchase of supplies, equipment, and
140 services when the expense thereof exceeds \$10,000.00 shall be awarded to the lowest,
141 qualified, or best bidder, after advertising for bids therefor has been published twice in the
142 legal organs of the counties within the jurisdiction of the authority. The authority shall have
143 the right to reject any or all bids or parts of any or all bids when such rejection is deemed
144 necessary by the authority.

145 **SECTION 9.**

146 The authority shall become active on July 1, 2015, or when all members of the authority have
147 been appointed, whichever is later. If the authority is abolished or becomes inactive through
148 the failure to appoint members, ownership of the Sandersville school building shall be
149 transferred to Washington County.

150 **SECTION 10.**

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