

House Bill 1231 (AS PASSED HOUSE AND SENATE)

By: Representatives Greene of the 151st, Yearta of the 152nd, Hopson of the 153rd, and Dukes of the 154th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create the Chehaw Park Authority, approved April 11, 1979 (Ga.
2 L. 1979, p. 4515), as amended, particularly by an Act approved May 13, 2002 (Ga. L. 2002,
3 p. 5755), so as to change the name of the park; to expand the purpose of the authority to
4 include the acquisition of zoological specimens; to change procedures for the appointment
5 of authority members; to change provisions regarding a quorum and majority of the
6 authority; to make the city manager of the City of Albany a voting member of the authority;
7 to revise definitions; to remove certain duties of the City of Albany regarding the authority;
8 to extend the existence of the authority; to provide for related matters; to repeal conflicting
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act to create the Chehaw Park Authority, approved April 11, 1979 (Ga. L. 1979,
13 p. 4515), as amended, particularly by an Act approved May 13, 2002 (Ga. L. 2002, p. 5755),
14 is amended by revising Section 2 as follows:

15 "SECTION 2.

16 Definitions.

17 As used in this Act, the term:

18 (1) 'Authority' means the Chehaw Park Authority created by an Act approved April 11,
19 1979 (Ga. L. 1979, p. 4515), as amended.

20 (2) 'Cost of the project' shall embrace the cost of construction; the cost of lands,
21 properties, rights, leases, easements, and franchises acquired and the cost of all
22 conveyances in fee simple incurred by the authority for title thereto; the cost of preparing
23 the land, including the construction of all facilities and utilities necessary for the
24 operation of the park; the cost of all zoological specimens acquired for the park; the cost

25 of all machinery, equipment, and furnishings related to any project or projects; financing
 26 charges; interest prior to and during construction and for six months after completion of
 27 construction; the cost of engineering, architectural, accounting, and legal expenses and
 28 other expenses necessary and incident to determining the feasibility or practicability of
 29 the project; administrative expenses; and such other expenses as may be necessary or
 30 incident to the financing authorized in this Act; and the cost of placing any project in
 31 operation. Any expenses incurred for any of the foregoing purposes shall be regarded as
 32 part of the cost of the project or projects and may be paid or reimbursed out of funds of
 33 the authority.

34 (3) 'Park' means Chehaw Park & Zoo, which is located in Lee and Dougherty counties,
 35 Georgia, as presently constituted or as the same may hereafter be enlarged, diminished,
 36 or otherwise altered.

37 (4) 'Project' means any undertaking of the authority in connection with the development,
 38 redevelopment, improvement, extension, maintenance, or operation of Chehaw Park and
 39 Zoo, located in Lee and Dougherty counties, and shall be deemed to mean and include,
 40 but is not limited to, construction at Chehaw Park and Zoo, maintenance and operation
 41 of Chehaw Park and Zoo, including all facilities useful or desirable in connection with
 42 the same, and the acquisition of necessary property therefor, both real and personal,
 43 including, but not limited to, zoological specimens, all of which accomplish the essential
 44 public purpose for which the authority was established."

45 **SECTION 2.**

46 Said Act is further amended by revising Section 5 as follows:

47 "SECTION 5.

48 Purposes of the Act.

49 This Act is adopted for the purpose of promoting and facilitating the operation,
 50 maintenance, and expansion of the park by consolidating previous legislation, repealing
 51 superfluous provisions of the enabling legislation, and otherwise revising the Act creating
 52 the authority and amendments thereto. The authority shall, without limitation, retain the
 53 rights to undertake projects, to acquire zoological specimens, and to construct any and all
 54 other facilities useful or desirable in connection therewith, acquiring the necessary property
 55 therefor, both real and personal, with the right to contract for the use of or to lease any or
 56 all of said facilities and to do any and all things deemed by the authority necessary,
 57 convenient, or desirable for and incident to the efficient and proper development, operation,

58 and modernization of the park. The implementation of the corporate purposes set forth in
59 this Act are, in all respects, for the benefit of the people of this state."

60 **SECTION 3.**

61 Said Act is further amended by revising Section 9 as follows:

62 "SECTION 9.

63 Composition and organization of authority.

64 (a) The authority shall consist of nine voting members who shall be eligible to succeed
65 themselves. Members must be at least 18 years of age and reside in Dougherty County or
66 Lee County.

67 (b) The members of the authority shall be appointed by the Board of Commissioners of the
68 City of Albany, the Board of Commissioners of Dougherty County, the Board of
69 Commissioners of Lee County, or the Chehaw Park Authority as follows:

70 (1) One member of the authority appointed by the Board of Commissioners of the City
71 of Albany shall be the city manager, or his or her designee, to serve a tenure as approved
72 by the Board of Commissioners;

73 (2) Five members of the authority shall be appointed for terms of three years by the
74 Board of Commissioners of the City of Albany. Notwithstanding anything in this Act to
75 the contrary, two members shall be appointed to serve a term of one year beginning
76 July 1, 2021, and thereafter the members shall be appointed to serve terms of three years;

77 (3) One member of the authority shall be appointed for a term of three years by the
78 Board of Commissioners of Dougherty County;

79 (4) One member of the authority shall be appointed by for a term of three years by Board
80 of Commissioners of Lee County; and

81 (5) One member of the authority shall be appointed by the remaining members of the
82 authority to serve a term of three years. Such member shall be selected from a list of
83 nominees submitted by Friends of Chehaw, Inc.

84 (c) All vacancies created as the result of the expiration of the terms of said members, or
85 when their offices are otherwise vacated, shall be filled by the respective appointing bodies.

86 (d) Each member of the authority shall hold office beyond their term until a successor shall
87 have been appointed and qualified.

88 (e) Five voting members of the authority shall constitute a quorum, and no vacancy on the
89 authority shall impair the right of the quorum to exercise all the rights and perform all the
90 duties of the authority at every meeting. A majority vote of a quorum shall authorize any

91 legal act of the authority, including all things necessary to incur debt, except as otherwise
92 provided in this Act or in the bylaws of the authority.

93 (f) The authority shall elect one of its members as chairperson and one as vice chairperson
94 and shall elect a secretary, who may but need not necessarily hold membership in the
95 authority. The secretary, if not an appointed voting member, shall, for the duration of his
96 or her term, be an ex officio member of the authority.

97 (g) The authority shall appoint an executive director who shall serve as the chief executive
98 officer and be responsible for the administration and execution of the policies of the
99 authority. The executive director shall have such powers, duties, authority, and
100 responsibilities as shall be provided by the authority. The compensation and terms and
101 conditions of the executive director's employment shall be as provided by the authority.
102 The executive director shall be an ex officio member of the authority.

103 (h) The authority shall meet at such times and places as it shall determine; but, in any
104 event, the authority shall meet bimonthly and not less often than six times each fiscal year.

105 (i) The authority may declare vacated the office of any member of the authority who has
106 moved out of Dougherty or Lee counties; who is not eligible to serve; who is absent for two
107 consecutive meetings of the authority; or who is absent for more than three meetings of the
108 authority in any fiscal year, without the excuse of the authority. The authority shall notify
109 the appointing bodies of any authority member not eligible to serve and those appointing
110 bodies shall fill the unexpired term of the membership position so vacated at the earliest
111 practical date."

112 **SECTION 4.**

113 Said Act is further amended in Section 10 by revising subsections (b) and (e) and paragraph
114 (3) of subsection (i) as follows:

115 "(b) The authority shall adopt bylaws and regulations for its own government and the
116 conduct and management of the authority, which may not be amended by a vote of less
117 than six members."

118 "(e) The authority shall adopt a corporate seal, which may not be amended by a vote of less
119 than six members."

120 "(3) Implement any general plan of development in the park which has been approved
121 by the authority."

122 **SECTION 5.**

123 Said Act is further amended by repealing and reserving paragraph (1) of Section 11.

124 **SECTION 6.**

125 Said Act is further amended by revising Section 14 as follows:

126 "SECTION 14.

127 Duration.

128 The existence of the authority is extended through December 31, 2026."

129 **SECTION 7.**

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