

Senate Bill 641

By: Senator Brass of the 28th

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To create the Chattahoochee Hills Convention and Visitors Bureau Authority; to provide for  
2 a short title; to provide for the appointment, terms, and removal of authority members; to  
3 provide for officers of the authority; to provide for an executive director and employees; to  
4 provide for meetings, quorums, and majorities; to provide for the powers and duties of the  
5 authority; to provide for tax statutes of the authority; to limit liabilities; to provide for budget  
6 oversight; to authorize the use of hotel-motel tax proceeds provided by the City of  
7 Chattahoochee Hills; to provide that the authority shall not bind the city; to repeal conflicting  
8 laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "Chattahoochee Hills Convention and  
12 Visitors Bureau Authority Act."

13 **SECTION 2.**

14 (a) The Chattahoochee Hills Convention and Visitors Bureau Authority shall consist of at  
15 least seven members but no more than nine members. All members of the authority shall be

16 at least 18 years of age and residents of the City of Chattahoochee Hills or owners or  
17 employees of businesses located within the city. At least one member shall be an owner or  
18 management employee of a hotel, motel, inn, or bed and breakfast located in the city. The  
19 mayor and each city councilperson shall appoint one member of the authority. The members  
20 of the authority who represent a city councilperson or the mayor shall serve for the duration  
21 of the term of the appointing councilperson or mayor, and a new appointment shall be made  
22 when a new mayor or city councilperson takes office. In addition, the mayor and city council  
23 shall make a joint appointment of up to three regular members for one-year terms of office.  
24 Appointments of the members representing a city councilperson or the mayor shall be made  
25 within 45 days of the date on which the councilperson or mayor takes office, and the joint  
26 appointment of the mayor and city council shall be made each year.

27 (b) Any member can be removed by a two-thirds' majority vote of the mayor and city  
28 council, with the mayor having the right to vote on the question of removal.

29 (c) All members of the authority shall serve without compensation; provided, however, that  
30 the city council may reimburse authority members for reasonable expenses incurred in  
31 connection with their service as authority members.

32

### **SECTION 3.**

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

36

### **SECTION 4.**

37 The authority shall have the power to employ an executive director as may be necessary for  
38 the operation of the authority's activities. The authority may delegate such powers and  
39 responsibilities as are necessary for the executive director to administer the business of the  
40 authority and its agencies created in this Act or at a later date. The authority shall set policies

41 governing the review of the executive director's activities. The executive director shall have  
42 full charge of the offices and all of the employees of the authority and shall recommend to  
43 the authority the hiring and termination of the employees. The authority shall establish  
44 salaries and compensation for the executive director and all of its employees.

45

**SECTION 5.**

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

51 (b) Five members of the authority shall constitute a quorum for the transaction of any  
52 business, including election of officers. The majority of the votes cast shall determine all  
53 questions and elections.

54

**SECTION 6.**

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

56 (1) Promote tourism, trade, and conventions for the City of Chattahoochee Hills;

57 (2) Study, investigate, and develop plans for improving tourism in the City of  
58 Chattahoochee Hills and the area and approving things that tend to bring visitors and  
59 conventions into the city;

60 (3) Advise and recommend plans to the city council and departments of the city for the  
61 development of tourism in the city; and

62 (4) Otherwise promote public interest in the general improvement of tourism in the city.

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

**SECTION 7.**

65

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

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

70 (2) To adopt and alter a corporate seal;

71 (3) To acquire in its own name real property or rights and easements therein and  
72 franchises and personal property necessary or convenient for its corporate purposes by  
73 purchase on such terms and conditions and in such manner as it may deem proper or by  
74 gift, grant, lease, or otherwise; to insure the same against any and all risks as such  
75 insurance may, from time to time, be available; and to use such property, rent or lease the  
76 same to or from others, make contracts with respect to the use thereof, or sell, lease, or  
77 otherwise dispose of any such property in any manner it deems as the best advantage of  
78 the authority and the purposes thereof. Title to any such property of the authority shall  
79 be held by the authority exclusively for the benefit of the public;

80 (4) To exercise any one or more of the powers, rights, and privileges conferred by this  
81 Act either alone or jointly or in common with one or more other parties, whether public  
82 or private. In any such exercise of such powers, rights, and privileges jointly or in  
83 common with respect to the construction, operation, and maintenance of projects, the  
84 authority may own an undivided interest in such projects with any other parties, whether  
85 public or private. The authority may enter into agreements with respect to any project  
86 with the other parties participating therein, and any such agreement may contain such  
87 terms, conditions, and provisions consistent with this Act as the parties thereto may deem  
88 to be in their best interest;

89 (5) To make and exercise contracts, agreements, and other instruments necessary or  
90 convenient to exercise the powers of the authority or to further the public purpose for  
91 which the authority is created;

- 92 (6) To borrow money to further or carry out its public purpose and to execute notes,  
93 other obligations, leases, loan agreements, mortgages, deeds to secure debt, trust deeds,  
94 security agreements, assignments, and such other agreements or instruments as may be  
95 necessary or desirable in the judgment of the authority to evidence and to provide security  
96 for such borrowing;
- 97 (7) To make application directly or indirectly to any federal, state, county, or municipal  
98 government or agency or to any other source, whether public or private, for loans, grants,  
99 guarantee, or other financial assistance in furtherance of the authority's public purposes  
100 and to accept and use the same upon such terms and conditions as are prescribed by such  
101 federal, state, county, or municipal government or agency or other source;
- 102 (8) To enter into agreements with the federal government, state government, or any  
103 agency thereof to use the facilities or services of the federal government, state  
104 government, or any agency thereof in order to further or carry out the public purposes of  
105 the authority;
- 106 (9) Subject to proper appropriation to the authority, to receive and use the proceeds of  
107 any tax levied by a political subdivision or taxing district of the state to pay the cost of  
108 any project or for any other purpose for which the authority may use its own funds  
109 pursuant to this Act;
- 110 (10) To accept donations and appropriations of money, services, products, property, and  
111 facilities for expenditure and use by the authority for the accomplishment of its purpose;
- 112 (11) To adopt bylaws governing the conduct of business by the authority, the election  
113 and duties of officers of the authority, and other matters which the authority determines  
114 to include in its bylaws;
- 115 (12) To invest any accumulation of its funds in any manner that public funds of the state  
116 or its political subdivisions may be invested; and
- 117 (13) To do any and all things necessary or proper for the accomplishment of the  
118 objectives of this Act and to exercise any power usually possessed by private

119 corporations performing similar functions which is not in conflict with the public purpose  
120 of the authority or the Constitution and laws of this state.

121 (b) The powers enumerated in each paragraph of subsection (a) of this section are  
122 cumulative of and in addition to those powers enumerated in the other paragraphs of  
123 subsection (a) of this section and elsewhere in this Act and no such power limits or restricts  
124 any other power of the authority.

125 **SECTION 8.**

126 The property of the authority, both real and personal, are declared to be public properties  
127 used for the benefit and welfare of the people of the City of Chattahoochee Hills, and not for  
128 purposes of private or corporate benefit and income. To the extent permitted and authorized  
129 by general law, such property, to the extent of the authority's ownership therein, the  
130 authority, all income and obligations of the authority, and all transfers of such property shall  
131 be exempt from all taxes and special assessments of the state or any city, county, or other  
132 political subdivision thereof. To the extent permitted and authorized by general law, the  
133 authority shall have all of the exemptions and exclusions from taxes that are now granted to  
134 cities and counties for the operation of properties or facilities similar to properties and  
135 facilities to be owned or operated by the authority.

136 **SECTION 9.**

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

139 **SECTION 10.**

140 The authority shall submit an annual budget to the mayor and city council of the City of  
141 Chattahoochee Hills. The City of Chattahoochee Hills, upon approval by the city council,  
142 may fund the authority from the revenues the city receives from its hotel-motel tax. In the

143 event such hotel-motel tax processes are provided to the authority, the authority shall comply  
144 with all provisions relative to the expenditure of said funds contained in Article 3 of Chapter  
145 13 of Title 48 of the O.C.G.A. as now or hereafter in effect and any other criteria deemed  
146 proper by the mayor and city council.

147 **SECTION 11.**

148 The mayor and city council of the City of Chattahoochee Hills shall be authorized, on their  
149 own number or through a designated employee, agent, or representative, to inspect the state  
150 and condition of the authority and the property thereto belonging as well as all books and  
151 accounts pertaining to the affairs of the authority, and the authority shall give and furnish  
152 them any reasonable facility and assistance in making such inspections.

153 **SECTION 12.**

154 The authority shall not have the power or authority to bind the City of Chattahoochee Hills  
155 by any contract, agreement, financial obligation, indebtedness, or otherwise. No contract,  
156 agreement, financial obligation, or indebtedness incurred by the authority shall be a claim  
157 or charge against the city.

158 **SECTION 13.**

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