

Senate Bill 575

By: Senator Williams of the 25th

**AS PASSED**

A BILL TO BE ENTITLED

AN ACT

1 To create the Milledgeville Public Facilities Authority; to provide for a short title; to provide  
2 for definitions; to provide for purpose; to provide for powers; to provide for the membership  
3 of the authority and their terms of office, qualifications, and compensation; to provide for the  
4 issuance and sale of revenue bonds and other obligations; to provide that such revenues and  
5 other obligations are not general obligations; to provide for trust indentures; to provide for  
6 the security for such revenue bonds and other obligations; to provide for refunding revenue  
7 bonds and other obligations; to provide for a principal office; to provide for validation; to  
8 provide for no impairment of rights; to provide for trust funds and investments; to provide  
9 for the power to set rates, fees and charges; to provide for exemptions from taxation; to  
10 provide for tort immunity; to provide for exemptions from levy and sale; to provide for its  
11 area of operation; to provide for supplemental powers; to provide for no power to impose  
12 taxes or exercise the power of eminent domain; to provide for the conveyance of property  
13 upon dissolution; to provide for liberal construction; to provide for severability; to repeal  
14 conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 575

- 1 -

16 **SECTION 1.**

17 Short title.

18 This Act shall be known and may be cited as the "Milledgeville Public Facilities Authority  
19 Act."

20 **SECTION 2.**

21 Definitions.

22 As used in this Act, the following words and terms shall have the meaning specified unless  
23 the context or use clearly indicates a different meaning or intent:

24 (1) "Authority" means the Milledgeville Public Facilities Authority created by this Act.

25 (2) "City" means Milledgeville, Georgia, or its successor.

26 (3) "Cost of the project" shall include:

27 (A) The cost of construction;

28 (B) The cost of all land and interests therein, properties, rights, easements, and  
29 franchises acquired;30 (C) The cost of acquiring, constructing, renovating, erecting, or demolishing buildings,  
31 improvements, materials, labor, and services;

32 (D) The cost of all fixtures, furnishings, machinery and equipment;

33 (E) Issuance costs, including, but not limited to, fees or discounts of underwriters or  
34 placement agents, the funding of reserve accounts, financing charges including interest  
35 prior to and during the construction or acquisition of any project and for up to one year  
36 after such project is placed into service and operational at the level intended;37 (F) The cost of construction, engineering, architectural, fiscal, accounting, inspection,  
38 and legal expenses relating to a project or to the financing or refinancing of any project

39 and other expenses necessary or incident to determining the feasibility or practicability  
40 of any project; and

41 (G) Administrative expenses relating to any project or the financing or refinancing  
42 thereof, and such other expenses as may be necessary or incident to the financing or  
43 refinancing of a project herein authorized, the acquisition, construction, renovation,  
44 reconstruction, or remodeling of a project, and the placing of the same in operation.  
45 Any obligation or expense incurred for any of the foregoing purposes shall be regarded  
46 as part of the cost of the project and may be paid or reimbursed as such out of any funds  
47 of the authority, including proceeds of any revenue bonds or other obligations issued  
48 under the provisions hereof for any such project or projects and the proceeds of the sale  
49 of any contracts, lease agreements, or installment sales agreements or the amounts  
50 payable thereunder, either directly or by the creation of interests therein.

51 (4) "Obligations" means and includes revenue bonds, bond anticipation notes, other  
52 promissory notes, certificates of participation, custodial receipts or other similar  
53 instruments creating interests in any contracts, lease agreements, or installment sales  
54 agreements or in the amounts payable to the authority, directly or indirectly, thereunder.

55 (5) "Private person" means any individual or any legal entity, other than a public body,  
56 whether operated for profit or not for profit.

57 (6) "Project" means any capital project that may be financed with revenue bonds under  
58 general laws in effect from time to time, which is located or to be located in the city, that  
59 is determined by the authority to promote the public good or general welfare of the  
60 citizens of the city, or of the state, or any of its enterprises or systems, including, but not  
61 limited to, the acquisition, construction, renovation, improvement, extension, addition,  
62 or equipping within the city of:

63 (A) Utility systems and improvements, including, without limitation, water and sewer  
64 systems and facilities, sewage and solid waste disposal systems and facilities, and  
65 electric, gas, and other similar facilities and systems;

- 66 (B) Emergency facilities, including emergency, fire, police, and rescue facilities and  
67 equipment;
- 68 (C) Recreational facilities, including parks, athletic fields, buildings, or facilities and  
69 other similar facilities or related equipment;
- 70 (D) Public safety facilities, including prisons, jails, police stations, facilities, or  
71 equipment, and state patrol or other law enforcement facilities or equipment;
- 72 (E) Educational, cultural, or historical facilities and equipment;
- 73 (F) Administrative facilities or equipment, including city municipal buildings and other  
74 governmental buildings;
- 75 (G) Courthouses, public libraries and jails;
- 76 (H) Facilities relating to aviation, including, but not limited to, airports, airfields,  
77 airport terminals, hangars, control towers, facilities for the repair and maintenance of  
78 aircraft; and
- 79 (I) Other buildings, facilities, and equipment necessary or convenient for the efficient  
80 operation of the city or any department, agency, division, or commission thereof, or of  
81 a public body or private person.
- 82 (7) "Public bodies" means and includes, the United States of America and any federal  
83 agency, department, authority or any branch of its armed services, and any county,  
84 political subdivision, or municipality of the state, and any state or local government  
85 agency, department, authority, agency, board, authority, or instrumentality, each being  
86 a "public body."
- 87 (8) "Revenue bonds" means revenue bonds issued by the authority pursuant to the terms  
88 of this Act or under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., known as the  
89 "Revenue Bond Law."
- 90 (9) "State" means the State of Georgia.

91

**SECTION 3.**

92

Milledgeville Public Facilities Authority.

93 There is created a body corporate and politic to be known as the "Milledgeville Public  
94 Facilities Authority," which shall be deemed to be a public corporation. Such corporation  
95 shall be separate and distinct from any public corporation or other entity heretofore created  
96 by the General Assembly and shall be an instrumentality of the state exercising governmental  
97 and proprietary powers. The authority is created for the purpose of promoting the public  
98 good and general welfare of the citizens of the city and of the state and financing and  
99 providing facilities, equipment, and services within the city, for sale to, lease or sublease to,  
100 ownership, or operation by any public body or any private person, specifically including the  
101 city. In connection with the exercise of any of its powers, the members of the authority may  
102 make findings or determinations that the exercise of its powers as proposed will promote the  
103 public good and general welfare, and assist public bodies or private persons in providing  
104 facilities, equipment, and services in the city, and such findings or determinations, if made,  
105 shall be conclusive and binding and shall not be subject to review.

106

**SECTION 4.**

107

Powers.

108 The authority shall have the power:

109

(1) To sue and be sued;

110

(2) To have and to use a seal and to alter the same at its pleasure;

111

(3) To acquire, construct, purchase, hold, own, lease as lessee, expand, improve,

112

renovate, repair, maintain, and operate real and personal property or interests therein;

113

(4) To enter into contracts for operation, management, maintenance, and repair of any of

114

its property and for other purposes;

115 (5) To sell, lease as lessor, or otherwise transfer, pledge or dispose of any real and  
116 personal property or interests therein. In connection with any such lease, sale, transfer,  
117 assignment, or other disposition, to the extent allowed by general law, the authority need  
118 not comply with any other provision of law requiring public bidding or any notice to the  
119 public of such lease, sale, transfer, assignment, or other disposition;

120 (6) To exercise the powers conferred upon a "public corporation" or a "public authority"  
121 by Article IX, Section III, Paragraph I of the Constitution of Georgia, such authority  
122 being expressly declared to be a "public corporation" or a "public authority" within the  
123 meaning of such provision of the Constitution of Georgia;

124 (7) To acquire projects and other property in its own name by gift or by purchase on such  
125 terms and conditions and in such manner as it may deem proper. If the authority shall  
126 deem it expedient to construct any project on real property or any interest therein or  
127 usufruct therein that is subject to the control of any other public body or private person,  
128 then such other public body or private person is hereby authorized to convey or lease  
129 such real property or interest therein to the authority for no consideration or for such  
130 consideration as may be agreed upon by the authority and such other public body or  
131 private person, taking into consideration the public benefit to be derived from such  
132 conveyance, lease or usufruct. Any public body or private person may transfer such real  
133 property or interest therein without regard to any determination as to whether or not such  
134 property or interest therein is surplus;

135 (8) To accept gifts and bequests for its corporate purposes;

136 (9) To appoint, select, and employ, with or without bidding as the authority may choose,  
137 officers, agents, and employees, including engineering, architectural, and construction  
138 experts, fiscal agents, underwriters or other advisors, and attorneys, and to fix their  
139 compensation;

140 (10) To make and execute with one or more public bodies or private persons contracts,  
141 lease agreements, rental agreements, installment sale agreements, loan agreements,  
142 security instruments, and other instruments relating to the property of the  
143 authority and incident to the exercise of the powers of the authority, including contracts for  
144 constructing, renting, leasing, operating, using, and selling its projects for the benefit of other  
145 public bodies and private persons, specifically including the city, and, without limiting the  
146 generality of the foregoing, authority is specifically granted to the authority and to other  
147 public bodies and private persons, specifically including the city, to enter into contracts, lease  
148 agreements, rental agreements, installment sale agreements, loan agreements, security  
149 instruments, and related agreements with each other relating to the provision of any project  
150 or services for a term not exceeding 50 years, as provided in Article IX, Section III,  
151 Paragraph I(a) of the Constitution of Georgia;

152 (11) To the extent not prohibited by the Constitution of Georgia or by general law, to be  
153 a co-owner, along with other public bodies and private persons, of any property or  
154 business entity if the authority finds and determines that such co-ownership is in the best  
155 interests of the authority and will serve the public purposes of the authority;

156 (12) To purchase policies of insurance as may be deemed appropriate for its corporate  
157 purposes;

158 (13) To operate, lease, sell, transfer, or otherwise dispose of any property, real or  
159 personal, or assets of the authority, or to assign its rights under its contracts, lease  
160 agreements, or installment sale agreements or its right to receive payments thereunder,  
161 either directly or through trust or custodial arrangements whereby interests are created  
162 in such contracts, lease agreements, or installment sale agreements or the payments to be  
163 received thereunder through the issuance of trust certificates, certificates of participation,  
164 custodial receipts, or other similar instruments. In connection with any such lease, sale,  
165 transfer, assignment, or other disposition, the authority need not comply with any other

- 166 provision of law requiring public bidding or any notice to the public of such lease, sale,  
167 transfer, assignment, or other disposition;
- 168 (14) To accept loans and grants of money or property of any kind from the United States,  
169 or any public body or private person and all public bodies and private persons are  
170 authorized to make grants to the authority, subject to any limitations in the Constitution  
171 of Georgia;
- 172 (15) To borrow money for any of its corporate purposes and to issue revenue bonds and  
173 other obligations payable from funds or revenues of the authority pledged for such  
174 purpose and to pledge and assign any of its revenues, income, rents, charges, and fees to  
175 provide for the payment of the same and to provide for the rights of the holders of such  
176 obligations;
- 177 (16) To enter into:
- 178 (A) Interest rate swaps, collars, or other types of interest rate management agreements;  
179 or
- 180 (B) Credit enhancement or liquidity agreements relating to any obligations of the  
181 authority, provided that the obligation of the authority under such agreements shall not  
182 be a general obligation of the authority but shall be a limited obligation of the authority  
183 payable from a specific source of funds identified for such purpose;
- 184 (17) To make such rules and regulations governing its employees and property as it may  
185 in its discretion deem proper;
- 186 (18) To be sued the same as any private corporation on any contractual obligation of the  
187 authority. The authority shall have the same rights to sue any other person or entity as  
188 any private corporation;
- 189 (19) To issue revenue bonds or other obligations to finance or refinance any project  
190 which may be financed by any public body or private person; and
- 191 (20) To have and exercise usual powers of private corporations except such as are  
192 inconsistent with this Act or inconsistent with general law, and to do any and all things

193 necessary and convenient to accomplish the purpose and powers of the authority as herein  
194 stated.

195 **SECTION 5.**

196 **Membership.**

197 (a) The authority shall consist of five members who shall be residents of the city and who  
198 shall be appointed by the mayor and council of the city. The members of the authority shall  
199 be appointed to serve for a term of one year from the date of such appointment and until their  
200 successors shall have been selected and appointed.

201 (b) The mayor and any member, or members, of the city council may be appointed to serve  
202 as members of the authority. The term of office of any member of the authority who also  
203 serves as a member of the appointing body shall expire when his or her term of office as a  
204 member of such appointing body expires.

205 (c) Any member of the authority may be selected and appointed to succeed himself or  
206 herself.

207 (d) Immediately after appointments provided for in subsections (a) and (b) of this section,  
208 the members of such authority shall enter upon their duties. Any vacancy on the authority  
209 shall be filled in the same manner as was the original appointment of the member whose  
210 termination of membership resulted in such vacancy and the person so selected and  
211 appointed shall serve for the remainder of the unexpired term. The authority shall elect one  
212 of its members as chairperson and another member as vice-chairperson and it shall also elect  
213 a secretary and treasurer, who does not necessarily have to be a member of the authority and  
214 if not a member he or she shall have no voting rights. A majority of the members of the  
215 authority shall constitute a quorum and a majority vote of a quorum shall authorize any legal  
216 act of the authority, including all things necessary to authorize and issue revenue bonds and  
217 other obligations. No vacancy on the authority shall impair the right of the quorum to

218 exercise all the rights and perform all the duties of the authority. The members of the  
219 authority shall not be entitled to compensation for their service as members of the authority,  
220 but may be reimbursed for their actual expenses necessarily incurred in the performance of  
221 their duties. The authority shall make rules and regulations for its own governing. It shall  
222 have perpetual existence. The mayor and members of the city council, as officers of the city,  
223 may vote on transactions between the city and the authority and the members of the authority  
224 may likewise vote on transactions between the city and the authority and the same shall not  
225 be deemed to create any conflict of interest.

226

**SECTION 6.**

227

Issuance and sale of revenue bonds and other obligations.

228 The authority shall have the power and shall be authorized from time to time to provide for  
229 the issuance and sale of negotiable revenue bonds in the manner provided by Article 3 of  
230 Chapter 82 of Title 36 of the O.C.G.A., known as the "Revenue Bond Law," and may issue  
231 other obligations for the purpose of paying all or any part of the cost of any one or more  
232 projects, including the cost of constructing, reconstructing, equipping, extending, adding to,  
233 or improving any such project, or for the purpose of refunding, as herein provided, any such  
234 bonds or other obligations of the authority or to refund bonds or other obligations of any  
235 other authority, public body, or private person previously issued to finance or refinance the  
236 cost of a project. The principal of and interest on such revenue bonds or other obligations  
237 shall be a limited obligation of the authority payable solely from the source or sources of  
238 funds specified in the indenture or resolution of the authority authorizing the issuance of such  
239 revenue bonds or other obligations. Such revenue bonds or other obligations shall mature  
240 on such dates, bear interest at such rate or rates, whether fixed or variable, be subject to  
241 redemption and have such other terms as the authority may provide in the indenture or  
242 resolution relating thereto. Such revenue bonds or other obligations may be issued for cash,

243 property or other consideration and may be sold in a negotiated sale or in a public sale at  
244 such price on such terms as the authority may determine. The offer, sale or issuance of  
245 bonds or other obligations of the authority shall be exempt from registration to the extent  
246 provided in Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Law," or any other  
247 law, including, without limitation, the Georgia Uniform Securities Act of 2008 contained in  
248 Chapter 5 of Title 10 of the O.C.G.A., as the same may be amended from time to time.

249

**SECTION 7.**

250

Revenue bonds or other obligations not a debt or general obligation.

251 Revenue bonds or other obligations issued under the provisions of this Act or any loan  
252 incurred as authorized herein shall not constitute a debt or a pledge of the faith and credit of  
253 any other public body, but shall be payable solely from the sources as may be designated in  
254 the resolution or indenture of the authority authorizing the issuance of the same. The  
255 issuance of such obligations shall not directly, indirectly, or contingently obligate any public  
256 body to levy or to pledge any form of taxation whatsoever for the payment thereof, unless  
257 otherwise provided by an intergovernmental contract executed by such public body. No  
258 holder of any bond or other obligation or receiver or trustee in connection therewith shall  
259 have the right to enforce the payment thereof against any property of any other public body  
260 nor shall any such bond or other obligation constitute a charge, lien, or encumbrance, legal  
261 or equitable, upon any such property unless otherwise provided by an intergovernmental  
262 contract executed by such other public body and the authority. All such obligations shall  
263 contain on their face a recital setting forth substantially the foregoing provisions of this  
264 section. Nothing in this section shall be construed to prohibit any other public body from  
265 obligating itself to pay the amounts required under any intergovernmental contract entered  
266 into with the authority pursuant to Article IX of the Constitution of Georgia or any successor  
267 provision, including, if such other public body has taxing power, from funds received from

268 taxes to be levied and collected by such other public body for that purpose and from any  
269 other source.

270 **SECTION 8.**

271 Issuance of bonds or obligations under indentures or resolutions.

272 In the discretion of the authority, any issuance of such revenue bonds or other obligations  
273 may be secured by a trust indenture by and between the authority and a trustee, which may  
274 be any trust company or bank having the powers of a trust company within or outside the  
275 State. Such trust indenture may pledge or assign fees, tolls, rents, revenues, and earnings to  
276 be received by the authority including the proceeds derived from the financing, sale, or lease,  
277 or operation from time to time, of any project. Either the resolution providing for the  
278 issuance of revenue bonds or other obligations or such trust indenture may contain such  
279 provisions for protecting and enforcing the rights and remedies of the owners of such bonds  
280 or obligations as may be reasonable and proper and not in violation of law, including  
281 covenants setting forth the duties of the authority or any lessee or purchaser in relation to the  
282 acquisition and construction of any project, the maintenance, operation, repair, and financing  
283 of any project, and the custody, safeguarding, and application of all moneys, including the  
284 proceeds derived from the sale or lease of any project or from the sale of any such revenue  
285 bonds or other obligations and may contain provisions concerning the conditions, if any,  
286 upon which additional bonds or other obligations may be issued, whether on a parity with or  
287 subordinate to, any other obligations issued by the authority. Such indenture or resolution  
288 may set forth the rights and remedies of the owners of such obligations and of the trustee.  
289 In addition to the foregoing, such trust indenture may contain such other provisions as the  
290 authority may deem reasonable and proper for the security of the owners of such bonds or  
291 other obligations or otherwise necessary or convenient in connection with the issuance of  
292 such obligations. All expenses incurred in carrying out such trust indenture may be treated

293 as a part of the cost of maintenance, operation, and repair of the project affected by such  
294 indenture.

295

**SECTION 9.**

296

Security for the payment of bonds or other obligations.

297 The authority may assign or pledge any property, or revenues and its interest in any  
298 contracts, lease agreements, or installment sales agreements, or the amounts payable  
299 thereunder, to the payment of the principal and interest on revenue bonds and other  
300 obligations of the authority as the resolution authorizing the issuance of the bonds or other  
301 obligations or the trust indenture may provide. The use and disposition of such property or  
302 revenues assigned to the payment of bonds or other obligations shall be subject to the  
303 indenture or resolution authorizing the issuance of such revenue bonds or obligations. Any  
304 lien created by the authority for the payment of such bonds or obligations may be a first lien  
305 or a subordinate lien as the authority may provide, and any such indenture or resolution may  
306 provide, at the option of the authority, for the issuance of additional bonds or other  
307 obligations sharing any lien on a parity or subordinate lien basis.

308

**SECTION 10.**

309

Refunding bonds or obligations.

310 The authority is authorized to provide by resolution for the issuance of obligations, whether  
311 revenue bonds or other obligations, for the purpose of refunding any revenue bonds or other  
312 obligations issued under the provisions of this Act or under any other provision of state law  
313 so long as such bonds or other obligations were issued for a purpose or project for which the  
314 authority could issue bonds or other obligations. The issuance of such refunding bonds or

315 other obligations and all the details thereof, the rights of holders thereof, and the duties of the  
316 authority with respect to the same shall be governed by the foregoing provisions of this Act  
317 insofar as the same may be applicable.

318

**SECTION 11.**

319

Principal office; venue.

320 The principal office of the authority shall be in the city, and the venue of any action against  
321 it shall be in Baldwin County, Georgia. Service upon the authority of any process, subpoena,  
322 or summons shall be effected by serving the same personally upon any member of the  
323 authority.

324

**SECTION 12.**

325

Validation of revenue bonds; elective validation of other obligations.

326 Revenue bonds of the authority shall be confirmed and validated in accordance with the  
327 procedure now or hereafter set forth in Article 3 of Chapter 82 of Title 36 of the O.C.G.A.,  
328 known as the "Revenue Bond Law," as the same now exists or may hereafter be amended.  
329 At the election of the authority, other obligations of the authority may be validated as if they  
330 were revenue bonds. The petition for validation shall name the authority as a defendant and  
331 may also make a party defendant to such action any other private person or public body that  
332 has or will contract with the authority with respect to the project for which revenue bonds or  
333 other obligations are to be issued and are sought to be validated. The bonds or other  
334 obligations, when validated, and the judgment of validation shall be final and conclusive with  
335 respect to the validity of such bonds or other obligations and the security therefor against the  
336 authority, other parties to the validation and against all other private persons and public

337 bodies, regardless of whether such private persons or public bodies were parties to such  
338 validation proceedings. Any action pertaining to the validation of any revenue bonds or  
339 other obligations issued under the provisions of this Act and for the validation of any  
340 instruments entered or to be entered into by the authority or other private persons or public  
341 bodies securing the same shall be brought in the Superior Court of Baldwin County, and such  
342 court shall have exclusive original jurisdiction of such actions.

343 **SECTION 13.**

344 No impairment of rights.

345 While any of the bonds or other obligations issued by the authority or any interests in  
346 contracts of the authority remain outstanding, the powers, duties, or existence of the authority  
347 or of its officers, employees, or agents shall not be diminished or impaired in any manner that  
348 will affect adversely the interest and rights of the holders of such bonds or obligations or  
349 such interests in contracts of the authority. The provisions of this section of this Act shall  
350 be for the benefit of the authority and of the holders of any such bonds or obligations and  
351 interests in contracts of the authority and, upon the issuance of bonds or obligations or the  
352 creation of interests in contracts of the authority under the provisions of this Act, shall  
353 constitute a contract with the holders of such bonds or obligations or such interests in  
354 contracts of the authority.

355 **SECTION 14.**

356 Trust funds; permitted investments.

357 All moneys received by the authority pursuant to this Act, whether as proceeds from the sale  
358 of revenue bonds or obligations of the authority, as grants or other contributions, or as  
359 revenues, income, fees, and earnings, shall be deemed to be trust funds to be held and applied

360 solely as provided in this Act and in such resolutions and trust indentures as may be adopted  
361 and entered into by the authority pursuant to this Act. Any such moneys or funds may be  
362 invested from time to time in such investments as may be permitted under the indenture,  
363 agreement, or resolution establishing the fund or account in which such funds are held, or if  
364 not held in such a fund or account, in such investments as would be permitted for  
365 investments of a development authority created under Code Section 36-62-1, et seq.

366

**SECTION 15.**

367

Power to set rates, fees, and charges.

368 The authority is authorized to operate, sell or lease any project and to prescribe and fix rates,  
369 fees, tolls, rents, and charges and to revise, from time to time, and collect such revised rates,  
370 fees, tolls, rents, and charges for the services, facilities, or commodities furnished, including  
371 leases, concessions, and subleases of its projects, and to determine the price and terms at and  
372 under which its projects may be sold, leased, or otherwise disposed of. The authority may  
373 establish in its discretion procedures for contracting for any work done for the authority or  
374 for the acquisition, sale, transfer, lease, management, or operation of any property, real or  
375 personal, of the authority. The authority may contract with others, including private persons,  
376 for services relating to the management, operation, sale, or leasing of any project.

377

**SECTION 16.**

378

Revenue bonds or other obligations exempt from taxation.

379 All revenue bonds or other obligation issued as provided in this Act, are declared to be issued  
380 or incurred for an essential public and governmental purpose and such obligations and the  
381 interest thereon shall, to the extent not prohibited by general law, be exempt from all taxation

382 within this state, whether or not the income on such bonds or other obligations is excludable  
383 from the gross income of the holders thereof for federal income tax purposes

384 **SECTION 17.**

385 Essential governmental function; no taxes or assessments.

386 It is found, determined, and declared that the creation of the authority and the carrying out  
387 of its corporate purposes are in all respects for the benefit of the people of this state and  
388 constitute a public purpose, and that the authority shall perform an essential governmental  
389 function in the exercise of the powers conferred upon it by this Act. The property of the  
390 authority is declared to be public property that is exempt from taxes under subparagraph  
391 (a)(1)(A) of Code Section 48-5-41 of the O.C.G.A. To the extent not prohibited by general  
392 law, the tax exemption for property of the authority shall extend to leasehold interests of  
393 lessees thereof.

394 **SECTION 18.**

395 Immunity of authority and members.

396 The authority shall have the same immunity and exemption from liability for torts and  
397 negligence as the city and the officers, agents, and employees of the authority, when in the  
398 performance of the work of the authority, shall have the same immunity and exemption from  
399 liability for torts and negligence as the officers, agents, and employees of the city.

400

**SECTION 19.**

401

Authority property not subject to levy and sale.

402 The property of the authority shall not be subject to levy and sale under legal process, except

403 this provision shall not preclude a sale or foreclosure of any property under the terms of any

404 deed to secure debt, mortgage, assignment, or security agreement that the authority has

405 executed.

406

**SECTION 20.**

407

Authority area of operation.

408 The scope of the authority's operations shall be limited to the territory embraced within the

409 territorial limits of the city, as the same now or may hereafter exist; provided, however, that

410 nothing in this section shall prevent the authority from contracting with any entity or body,

411 public or private, outside of the city with respect to any project located in the city or located

412 outside of the city in furtherance of its public purposes.

413

**SECTION 21.**

414

Supplemental powers.

415 This Act does not in any way take away from the authority any power which may be

416 conferred upon it by law but is supplemental thereto.

417 **SECTION 22.**

418 No power to impose taxes or exercise power of eminent domain.

419 The authority shall not have the right to impose any tax on any person or property and shall  
420 not have the right to exercise the power of eminent domain.

421 **SECTION 23.**

422 Conveyance of property upon dissolution.

423 Should the authority for any reason be dissolved after full payment of all revenue bonds and  
424 other obligations of the authority and the termination of any leases, contracts, or options to  
425 which the authority is a party, the interest and any redemption premiums thereon, title to the  
426 items of property and funds of the authority held at the time of dissolution shall, prior to such  
427 dissolution, be conveyed and transferred to such one or more public bodies, as the authority  
428 shall elect.

429 **SECTION 24.**

430 Liberal construction of Act.

431 This Act shall be liberally construed to effect the purposes hereof.

432 **SECTION 25.**

433 Severability.

434 Should any sentence, clause, phrase, or part of this Act be declared for any reason to be  
435 unconstitutional or invalid, the same shall not affect the remainder of this Act, or any part  
436 hereof, other than the part so held to be invalid, but the remaining provisions of this Act shall

437 remain in full force and effect, and it is the express intention of the General Assembly to  
438 enact each provision of this Act independently of any other provision hereof.

439 **SECTION 26.**

440 Effective date.

441 This Act shall become effective upon its approval by the Governor or upon its becoming law  
442 without such approval.

443 **SECTION 27.**

444 General repealer.

445 All laws and parts of laws in conflict with this Act are, to the extent of such conflict,  
446 repealed.