

House Bill 1412

By: Representatives Blackmon of the 146th, Ballard of the 147th, Beverly of the 143rd, and Dickey of the 145th

A BILL TO BE ENTITLED
AN ACT

1 To create the Warner Robins Convention and Visitors Bureau Authority; to provide for a
2 short title; to provide for members of the authority; to provide for officers; to provide for
3 personnel; to provide for meetings and a quorum; to provide for duties; to provide for
4 powers; to provide for authority property; to provide for no personal liability of authority
5 members for executing notes or obligations on behalf of the authority; to provide for a
6 budget; to provide for inspections by the governing authority of the City of Warner Robins;
7 to provide that the authority shall not bind the City of Warner Robins; to provide for related
8 matters; to repeal conflicting 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 "Warner Robins Convention and Visitors
12 Bureau Authority Act."

13 **SECTION 2.**

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

16 least 18 years of age and residents of the City of Warner Robins or owners or employees of
17 businesses located within the city. At least one member shall be an owner or management
18 employee of a hotel, motel, inn or bed and breakfast located in the city. The mayor and each
19 city councilperson may appoint one member of the authority. The mayor shall appoint all
20 remaining members, including any positions which may become vacant. Appointments shall
21 be made at the time of creation of the authority or at the end of each successive term. The
22 mayor and city council may provide for the staggering of members by dividing the total
23 number of members into two or three groups. In that event, the terms of the members in the
24 first group shall be two years and the terms of the second or third groups shall be three years.
25 At the end of the term of each group of members, the succeeding members shall be appointed
26 for a term of two or three years, as the case may be, to succeed those members whose terms
27 expire.

28 (b) Any member may be removed by a two-thirds' majority vote of the mayor and council.

29 (c) All members shall serve without compensation, unless otherwise permitted by law.

30 **SECTION 3.**

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

34 **SECTION 4.**

35 The authority may enter into agreements with the City of Warner Robins for the employment
36 of all required personnel required for the operation of the authority's activities, including, but
37 not limited to an executive director. These agreements may determine the delegation of
38 powers and responsibilities as are necessary for the executive director to administer the
39 business of the authority, provide for review of the executive director's activities, and the
40 hiring, termination, salaries and compensation of all employees.

41 **SECTION 5.**

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

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

51 **SECTION 6.**

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

53 (1) Promote tourism, trade, and conventions for the City of Warner Robins;

54 (2) Study, investigate, and develop plans for improving tourism in the City of Warner
55 Robins and the area and approving things that tend to bring visitors and conventions into
56 the city;

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

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

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

62 **SECTION 7.**

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

- 66 (1) To sue and be sued in contract and in tort and to complain and defend in all courts;
- 67 (2) To adopt and alter a corporate seal;
- 68 (3) To acquire in its own name real property or rights and easements therein and
69 franchises and personal property necessary or convenient for its corporate purposes by
70 purchase on such terms and conditions and in such manner as it may deem proper or by
71 gift, grant, lease, or otherwise; to insure the same against any and all risks as such
72 insurance may, from time to time, be available; and to use such property, rent or lease the
73 same to or from others, make contracts with respect to the use thereof, or sell, lease, or
74 otherwise dispose of any such property in any manner it deems as the best advantage of
75 the authority and the purposes thereof. Title to any such property of the authority shall
76 be held by the authority exclusively for the benefit of the public;
- 77 (4) To exercise any one or more of the powers, rights, and privileges conferred by this
78 Act either alone or jointly or in common with one or more other parties, whether public
79 or private. In any such exercise of such powers, rights, and privileges jointly or in
80 common with respect to the construction, operation, and maintenance of projects, the
81 authority may own an undivided interest in such projects with any other parties, whether
82 public or private. The authority may enter into agreements with respect to any project
83 with the other parties participating therein, and any such agreement may contain such
84 terms, conditions, and provisions consistent with this Act as the parties thereto may deem
85 to be in their best interest;
- 86 (5) To make and exercise contracts, agreements, and other instruments necessary or
87 convenient to exercise the powers of the authority or to further the public purpose for
88 which the authority is created;
- 89 (6) To borrow money to further or carry out its public purpose and to execute notes,
90 other obligations, leases, loan agreements, mortgages, deeds to secure debt, trust deeds,
91 security agreements, assignments, and such other agreements or instruments as may be

92 necessary or desirable in the judgment of the authority to evidence and to provide security
93 for such borrowing;

94 (7) To make application directly or indirectly to any federal, state, county, or municipal
95 government or agency or to any other source, whether public or private, for loans, grants,
96 guarantee, or other financial assistance in furtherance of the authority's public purposes
97 and to accept and use the same upon such terms and conditions as are prescribed by such
98 federal, state, county, or municipal government or agency or other source;

99 (8) To enter into agreements with the federal government, state government, or any
100 agency thereof to use the facilities or services of the federal government, state
101 government, or any agency thereof in order to further or carry out the public purposes of
102 the authority;

103 (9) Subject to proper appropriation to the authority, to receive and use the proceeds of
104 any tax levied by a political subdivision or taxing district of the state to pay the cost of
105 any project or for any other purpose for which the authority may use its own funds
106 pursuant to this Act;

107 (10) To accept donations and appropriations of money, services, products, property, and
108 facilities for expenditure and use by the authority for the accomplishment of its purpose;

109 (11) To adopt bylaws governing the conduct of business by the authority, the election
110 and duties of officers of the authority, and other matters which the authority determines
111 to include in its bylaws;

112 (12) To invest any accumulation of its funds in any manner that public funds of the state
113 or its political subdivisions may be invested; and

114 (13) To do any and all things necessary or proper for the accomplishment of the
115 objectives of this Act and to exercise any power usually possessed by private
116 corporations performing similar functions which is not in conflict with the public purpose
117 of the authority or the Constitution and laws of this state.

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

122 **SECTION 8.**

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

133 **SECTION 9.**

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

136 **SECTION 10.**

137 The authority shall submit an annual budget to the mayor and city council of the City of
138 Warner Robins. The City of Warner Robins, upon approval by the city council, may fund
139 the authority from the revenues the city receives from its hotel-motel tax. In the event such
140 hotel-motel tax processes are provided to the authority, the authority shall comply with all
141 provisions relative to the expenditure of said funds contained in Article 3 of Chapter 13 of

142 Title 48 of the O.C.G.A. as now or hereafter in effect and any other criteria deemed proper
143 by the mayor and city council.

144 **SECTION 11.**

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

150 **SECTION 12.**

151 The authority shall not have the power or authority to bind the City of Warner Robins by any
152 contract, agreement, financial obligation, indebtedness, or otherwise. No contract,
153 agreement, financial obligation, or indebtedness incurred by the authority shall be a claim
154 or charge against the city.

155 **SECTION 13.**

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