

House Bill 395 (AS PASSED HOUSE AND SENATE)

By: Representatives Watson of the 172nd and Powell of the 171st

A BILL TO BE ENTITLED
AN ACT

1 To create the Moultrie-Colquitt County Parks and Recreation Authority and to authorize such
2 authority to provide recreational services throughout Colquitt County; to provide a short title;
3 to provide for the membership, for the appointment of members of the authority, and for
4 meetings of same; to provide for definitions; to describe powers of the authority; to provide
5 for the issuance of revenue bonds and other similar instruments; to declare the public purpose
6 of such instruments; to provide for certain tax exemptions; to grant the authority and its
7 members certain immunities; to fix the venue or jurisdiction of actions; to provide for
8 budgets and procedures in connection therewith; to provide for audits; to provide for funding;
9 to authorize employment of officers, agents, and employees; to provide for construction of
10 this Act; to provide for conveyance of property upon dissolution; to provide for related
11 matters; to provide for activation of the authority; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 SECTION 1.

15 This Act shall be known and may be cited as the "Moultrie-Colquitt County Parks and
16 Recreation Authority Act."

17 SECTION 2.

18 (a) There is created a body corporate and politic to be known as the Moultrie-Colquitt
19 County Parks and Recreation Authority, which shall be deemed to be a political subdivision
20 of the State of Georgia and a public corporation. By that name, style, and title, such body
21 may contract and be contracted with, sue and be sued, implead and be impleaded, and
22 complain and defend in all courts of law and equity. The authority shall have its principal
23 office in Colquitt County, and its legal situs or residence for the purposes of this Act shall
24 be Colquitt County. The scope of the authority's operation shall be limited to the territory
25 embraced within Colquitt County. The authority is granted the same exemptions and

26 exclusions from taxes as are now granted to cities and counties for the operation of facilities
27 similar to facilities to be owned or operated by the authority as provided under the provisions
28 of this Act.

29 (b) The authority shall consist of seven members, with three members to be appointed by
30 a majority vote of the governing authority of Colquitt County, no more than one of whom
31 may be a member of such governing authority, three members to be appointed by a majority
32 vote of the governing authority of the City of Moultrie, no more than one of whom may be
33 a member of such governing authority, and one member, designated as the "Alternating
34 Member," to be appointed by the governing authority of Colquitt County and the governing
35 authority of the City of Moultrie on an alternating basis, first by the county governing
36 authority and then by the city governing authority, said Alternating Member to serve a
37 three-year term subject to the provisions of subsection (d) of this section. Said Alternating
38 Member shall be a member of neither the governing authority of the City of Moultrie nor the
39 governing authority of Colquitt County. The county administrator of Colquitt County and
40 the city manager of the City of Moultrie shall be non-voting, ex officio members of the
41 authority. Initial members of the authority shall be appointed by July 1, 2017.

42 (c) To be eligible for membership on the authority, a person shall be at least 21 years of age,
43 shall have been a resident of Colquitt County for at least two years, shall reside in Colquitt
44 County during his or her membership, and, with the exception of members appointed
45 pursuant to subparagraph (b) of this section, shall not hold an elected or appointed public
46 office in Colquitt County or any of its municipalities at the time of the appointment.

47 (d) The terms of the membership of the authority members shall be as follows: the initial
48 Alternating Member, one of Colquitt County's initial three appointees, and one of the City
49 of Moultrie's initial three appointees shall all serve a term to expire December 31, 2018. A
50 second of Colquitt County's initial three appointees and a second of the City of Moultrie's
51 initial three appointees shall serve a term to expire December 31, 2019. The third of Colquitt
52 County's initial three appointees and the third of the City of Moultrie's initial three appointees
53 shall serve a term to expire December 31, 2020. Thereafter, all appointees shall serve terms
54 of three years. Members may succeed themselves in office.

55 (e) The members of the authority shall enter upon their duties immediately upon their
56 appointment.

57 (f) The office of any member of the authority shall be declared vacant upon a determination
58 by a majority of the members of the authority that such authority member has been, while
59 in office, arrested for or convicted of a felony, a misdemeanor of a high and aggravated
60 nature, or a crime involving moral turpitude, has moved such member's residence from
61 Colquitt County, or has been elected or appointed to another public office during the term
62 of the appointment during such member's term of office. The authority shall be authorized

63 to remove from office any member of the authority by a vote of at least two-thirds of the
64 members in the event that such member of the authority is found to be guilty of misfeasance
65 or malfeasance in office, is found to have failed to attend three or more successive regular
66 meetings of the authority without a reasonable excuse approved by a resolution adopted by
67 the authority, or who is found to have engaged in actions or activities which are detrimental
68 to the carrying out of the duties and obligations of the authority.

69 (g) Any vacancy on the authority shall be filled within 60 days through appointment by a
70 majority vote of the governing authority that had appointed the authority member whose
71 resignation, removal, or ineligibility resulted in such vacancy. The person so appointed shall
72 serve for the remainder of the unexpired term.

73 (h) At the inception of the authority and during the month of January of each year thereafter,
74 except as hereinafter provided, the authority shall elect, as provided in this Act, one of its
75 members as chairperson, vice chairperson, and a secretary-treasurer. Such officers shall
76 serve a term of one year beginning on the date of their election and ending December 31 of
77 the same year, or until their successors are duly elected and qualified. The first chairperson
78 shall be elected by a majority vote of the members who are appointed by the governing
79 authority of the City of Moultrie. The first vice chairperson shall be elected by a majority
80 vote of the members who are appointed by the governing authority of Colquitt County. The
81 secretary-treasurer shall be elected by a majority vote of the members of the authority. The
82 first chairperson, vice chairperson, and secretary-treasurer shall serve until December 31,
83 2018. Thereafter, in years ending with odd numbers, the chairperson shall be elected by a
84 majority vote of the members appointed by the governing authority of Colquitt County, and
85 the vice chairperson shall be elected by a majority vote of the members of the authority
86 appointed by the governing authority of the City of Moultrie; and in the years ending with
87 even numbers, the chairperson shall be elected by a majority vote of the members appointed
88 by the governing authority of the City of Moultrie, and the vice chairperson shall be elected
89 by a majority vote of the members of the authority appointed by the governing authority of
90 Colquitt County. The chairperson shall have such powers and duties as granted from time
91 to time by resolution of the authority. When the vice chairperson is acting on behalf of the
92 chairperson, the vice chairperson shall have the same duties and powers of the chairperson.

93 (i) The authority shall meet at least once monthly for the transaction of business. The
94 authority may convene in special meetings on the call of the chairperson. If the chairperson
95 is unable or fails to call a special meeting upon request of an authority member, the authority
96 may convene a special meeting upon call by a majority of its members.

97 (j) A majority of the members of the authority shall constitute a quorum, but no action may
98 be taken by the members of the authority without the affirmative vote of a majority of the full

99 membership of the authority. No vacancy on the authority shall impair the right of the
100 quorum to exercise all the rights and perform all the duties of the authority.

101 (k) The authority shall make bylaws and other rules and regulations for its own governance,
102 which may include the use of *Robert's Rules of Order*, and may amend such rules and
103 regulations by a majority vote of the authority. The authority may delegate to one or more
104 of its officers, agents, or employees such powers and duties as may be deemed necessary and
105 proper.

106 (l) The members of the authority shall receive no compensation for their services, but shall
107 be reimbursed from any available funds for their actual and necessary expenses incurred in
108 the performance of their duties.

109 (m) No member of the authority shall have, directly or indirectly, any financial interest,
110 profit, or benefit in any contract, work, or business of the authority, nor in the sale, lease, or
111 purchase of any property to or from the authority unless:

112 (1) Any interest, profit, or benefit of such member is disclosed in advance to the other
113 members of the authority and is recorded in the minutes of the authority;

114 (2) Such member having any such interest, profit, or benefit is not present during that
115 portion of an authority meeting when such contract, work, business, sale, lease, or
116 purchase is being discussed; and

117 (3) Such member having such interest, profit, or benefit does not participate in any
118 decision of the authority relating to such matter.

119 (n) As used in this section, an "interest, profit, or benefit" shall mean any interest that
120 reasonably may be expected to result in a direct financial benefit to such member as
121 determined by the authority, which determination shall be final and not subject to review.

122 (o) All meetings of the authority shall be open to the public to the extent provided in Chapter
123 14 of Title 50 of the O.C.G.A.

124 (p) The authority shall have perpetual existence.

125 **SECTION 3.**

126 (a) As used in this Act, the term:

127 (1) "Authority" means the Moultrie-Colquitt County Parks and Recreation Authority
128 created in Section 2 of this Act.

129 (2) "Cost of the project" means and includes:

130 (A) All costs of construction, purchase, lease, or other forms of acquisition;

131 (B) All costs of real property and any interest therein or thereto incurred in connection
132 with a project, including, without limitation, land, improvements, franchises,
133 easements, water rights, fees, permits, approvals, licenses, and the securing thereof and
134 applying therefor;

- 135 (C) All costs of personal property and any interest therein or thereto incurred in
136 connection with a project including, without limitation, furniture, machinery,
137 equipment, initial fuel, and other supplies;
- 138 (D) Financing charges and interest prior to and during construction and for such
139 additional period as the authority may reasonably determine to be necessary or
140 desirable in order to place such project in operation;
- 141 (E) Costs of engineering, architectural, fiscal, and legal services;
- 142 (F) Cost of plans and specifications and all other expenses necessary or incidental to
143 the acquisition, construction, or equipping of any project or to determining the
144 feasibility or practicability of any project;
- 145 (G) Fees paid to fiscal agents for financial and other advice or supervision;
- 146 (H) Cost of administrative services and such other expenses as may be necessary or
147 incident to the financing authorized by this Act; and
- 148 (I) The cost of a project may also include the payment of any loan made for the
149 advance payment of any part of such cost, including interest thereon, and the costs of
150 funding any debt service reserve or other reserves, as may be reasonably required by
151 the authority with respect to the financing or operation of any project. Any obligation
152 or expense incurred for any of the purposes outlined in this paragraph shall be regarded
153 as part of the cost of the project and may be paid or reimbursed as such out of the
154 proceeds of revenue bonds, notes, or other obligations of the authority issued pursuant
155 to this Act.
- 156 (3) "Project" means and includes the acquisition, construction, installation, modification,
157 renovation, rehabilitation, equipping, maintenance, and operation of parks, athletic, and
158 recreational centers, facilities, and areas of any and all kinds including, but not limited
159 to, playgrounds, parks, swimming pools, diving and wading pools, hiking and camping
160 areas and facilities, picnicking areas and facilities, lakes and ponds, tennis courts, athletic
161 fields, athletic facilities, athletic courts, fishing and boating facilities, skateboarding
162 facilities, bike trails, club houses, gymnasiums, stadiums, auditoriums and amphitheaters,
163 recreation centers and facilities, youth centers, lands for open space, senior citizen
164 centers, golf courses, and equestrian facilities; the usual and convenient facilities,
165 buildings, improvements, machinery, and equipment appertaining thereto, and any and
166 all extensions, additions, and improvements of such facilities; the acquisition,
167 construction, installation, modification, renovation, rehabilitation, equipping,
168 maintenance, and operation of any parking, concession, and dining facilities thereto; and
169 other property of any nature whatsoever including, without limitation, land, buildings,
170 improvements, structures, machinery, equipment, and furniture or areas, deemed by the

171 authority to be necessary, convenient, or desirable in connection with any such parks,
172 athletic, or recreational centers, facilities, and areas.

173 (4) "Revenue bonds" and "bonds" means revenue bonds as defined and provided for in
174 Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," and which
175 may be issued by the authority as authorized under such article and any amendments
176 thereto.

177 (b) Any project shall be deemed "self-liquidating" if, in the judgment of the authority, the
178 revenues and earnings to be derived by the authority therefrom, including the anticipated
179 revenues and earnings from the lease of any project, and all properties used, leased, and sold
180 in connection therewith shall be sufficient to pay the cost of acquiring, operating,
181 maintaining, repairing, improving, or extending the project and to pay the principal of and
182 interest on the revenue bonds or other obligations that may be issued to finance, in whole or
183 in part, the cost of such project or projects.

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SECTION 4.

186 (a) The authority shall have all the powers necessary or convenient to carry out and
187 effectuate the purposes and provisions of this Act including, without limitation, the following
188 powers:

- 189 (1) To adopt a seal and alter the same at its pleasure;
- 190 (2) To provide recreational services throughout Colquitt County;
- 191 (3) To provide park services throughout Colquitt County;
- 192 (4) To develop, provide, maintain, and operate any project;
- 193 (5) To develop and provide athletic and recreational programs, activities, and services;
- 194 (6) To employ or retain agents, engineers, attorneys, fiscal agents, accountants,
195 architects, planners, consultants, parks and recreation directors, supervisors,
196 superintendents, playground leaders, maintenance personnel, administrative personnel,
197 and other personnel necessary for such purposes;
- 198 (7) To acquire, construct, install, modify, renovate, rehabilitate, equip, maintain, and
199 operate any project or portion thereof;
- 200 (8) To acquire by purchase, lease, gift, construction, or otherwise any real or personal
201 property, or any interest therein desired to be acquired, as part of any project or for the
202 purpose of improving, extending, adding to, reconstructing, renovating, or remodeling
203 any project or part thereof already acquired or for the purpose of demolition to make
204 room for any project or any part thereof. If the authority shall deem it expedient to
205 construct any project on any lands, the title to which shall then be in the State of Georgia,
206 the Governor is authorized to convey for and on behalf of the state title to such lands to
207 the authority upon the receipt of such lawful consideration as may be determined by the

208 parties to such conveyance. If the authority shall deem it expedient to lease, acquire, and
209 construct any project on any lands, the title to which shall be in the name of the governing
210 authority of Colquitt County or the governing authority of any municipality located in
211 that county, such entity is authorized in its discretion to lease or convey title to such lands
212 to the authority upon the receipt of such lawful consideration as may be determined by
213 the parties of such conveyances or upon payment for the credit of the general funds of
214 such county or municipalities of the reasonable value of such lands. Such reasonable
215 value shall be determined by mutual consent of such county or municipality and the
216 authority or by an appraiser to be agreed upon by the governing authority or body of such
217 county or municipality and the chairperson of the authority. If the authority shall deem
218 it expedient to lease or acquire any real or personal property from the governing body of
219 Colquitt County or of any municipality located therein, such governing body is
220 authorized in its discretion to lease or convey title to such real or personal property to the
221 authority without consideration from the authority to such governing body;

222 (9) To sell, convey, or assign any real or personal property, contract rights, revenues,
223 income, tolls, charges, or fees owned or received by the authority, provided that such
224 conveyance or assignment is not prohibited by the deed of such property to the authority
225 or otherwise prohibited by other contract of the authority;

226 (10) To make, execute, and perform all contracts, leases, agreements, and other
227 instruments deemed by the authority to be necessary or convenient in connection with the
228 exercise by the authority of any of its powers, including contracts for the acquisition and
229 construction of projects and leases of projects and contracts with respect to the use of
230 projects which the authority causes to be erected or acquired. Such contracts may be
231 made with any and all persons, firms, and corporations and with Colquitt County or any
232 municipality located in Colquitt County, and with the State of Georgia, or any and all of
233 its political subdivisions, departments, institutions, or agencies, all of whom are
234 authorized to enter into contracts, leases, agreements, or instruments with the authority
235 upon such terms and for such purposes as they deem advisable. Without limiting the
236 generality of this paragraph, authorization is specifically granted to municipal
237 corporations and counties and to the authority to enter into contracts, leases, and
238 sublease-agreements with the State of Georgia, or any agencies or departments thereof,
239 relative to any project or any property which such departments or agencies of the State
240 of Georgia have now or may hereafter obtain by lease from the United States
241 government, or any agencies or departments thereof, and the authority is specifically
242 authorized to convey title in fee simple to any and all of its lands and any improvements
243 thereon to any persons, firms, corporations, or municipalities or to the State of Georgia
244 or to the United States government, or any agencies or departments thereof, subject to the

245 rights and interest of the holders of any of the bonds or obligations issued pursuant to this
246 Act and by the resolution or trust indenture of the authority authorizing the issuance of
247 any of its bonds or obligations as provided in this Act, provided that such conveyance is
248 not prohibited by the deed of such property to the authority or otherwise prohibited by
249 other contract of the authority;

250 (11) To construct, erect, acquire, own, repair, remodel, renovate, rehabilitate, maintain,
251 add to, extend, improve, equip, operate, and manage projects as defined in this Act, on
252 land owned or leased by the authority or on land owned or leased by others, and to pay
253 all or part of the cost of any such project from the proceeds of revenue bonds or
254 obligations or other funds of the authority or from such proceeds or other funds or any
255 contributions or grants from any person, firm, or corporation or from the federal
256 government, or any political subdivision thereof, the State of Georgia, or any political
257 subdivision thereof, or any agency or instrumentality of any of the foregoing, all of which
258 the authority is authorized to receive, accept, and use;

259 (12) To accept and administer gifts, devises and grants of money, materials, or property
260 of any kind and to administer trusts;

261 (13) To borrow money for any of its corporate purposes and to execute and deliver notes,
262 revenue bonds, and other evidences of such indebtedness and to use the proceeds thereof
263 to pay all or any part of the cost of any project or refunding any outstanding indebtedness
264 of the authority or to pay any other cost or expense of the authority incident to or
265 necessary and appropriate to carry out the purposes of this Act;

266 (14) As security for the repayment of any indebtedness or other obligations of the
267 authority, to pledge, mortgage, convey, assign, hypothecate, or otherwise encumber any
268 property, real or personal, of the authority and any income or revenues generated
269 therefrom or otherwise, and to execute any trust agreement, indenture, security deed,
270 mortgage, or security agreement containing any provisions not in conflict with law,
271 provided that such trust agreement, indenture, security deed, mortgage, or security
272 agreement, is not prohibited by the deed of such property to the authority or otherwise
273 prohibited by other contract of the authority, which trust agreement, indenture, security
274 deed, mortgage, or security agreement may provide for judicial or nonjudicial foreclosure
275 or forced sale of any property of the authority upon default on such obligations, either in
276 payment of any amount due and owing thereunder, or in the performance or satisfaction
277 of any term or condition, as are contained in such trust agreement, indenture, security
278 deed, mortgage or security agreement. The State of Georgia, on behalf of itself and each
279 county, municipal corporation, political subdivision, or taxing district therein, waives any
280 right which it or such county, municipal corporation, political subdivision, or taxing
281 district may have to prevent the foreclosure or forced sale of any property of the authority

282 so mortgaged or encumbered, and any such mortgage or encumbrance may be foreclosed
 283 in accordance with law and the terms thereof;

284 (15) To exercise any power usually possessed by private corporations performing similar
 285 functions which is not in conflict with the Constitution or laws of this state;

286 (16) To do all things necessary or convenient to carry out the powers expressly given in
 287 this Act; and

288 (17) To extend credit or make loans to any governmental body including, without
 289 limitation, Colquitt County or any municipal corporation located therein for the planning,
 290 design, construction, acquisition, or carrying out of any project, which credit or loans
 291 may be secured by loan agreements, mortgages, security deeds, security agreements,
 292 contracts, and any other instruments, fees, or charges, and upon such terms and
 293 conditions, as the authority shall determine to be reasonable in connection with such
 294 loans.

295 (b) The authority is specifically authorized from time to time to sell, lease, grant, exchange,
 296 transfer, assign, or otherwise dispose of any surplus property, both real and personal, or any
 297 interest therein, that the authority determines is no longer necessary or desirable in
 298 connection with its operation or purposes, provided that such sale, lease, grant, exchange,
 299 transfer, assignment, or other disposition is not prohibited by the deed of such property to the
 300 authority or otherwise prohibited by other contract of the authority.

301 (c) Notwithstanding any other provision of this Act to the contrary, the authority shall not
 302 have the authority to construct, improve, or maintain any road or street on behalf of, pursuant
 303 to a contract with, or through the use of taxes or other revenues of any county or municipal
 304 corporation to the extent such is prohibited under subparagraph (e) of Paragraph V of Section
 305 VI of Article III of the Constitution of the State of Georgia.

306 **SECTION 5.**

307 The authority, or any other authority or body which has or which may in the future succeed
 308 to the powers, duties, and liabilities vested in the authority created by this Act, shall have the
 309 power and is authorized at any time, or from time to time, to provide by resolution for the
 310 issuance of negotiable revenue bonds or other notes, bond anticipation notes, or other
 311 evidences of indebtedness for the purpose of paying all or any part of the cost of any one or
 312 more projects or refunding any outstanding obligations of the authority. Such bonds or other
 313 debt instruments shall be dated and shall bear interest at such rate or rates, shall be payable
 314 on such dates, and shall otherwise have such terms and conditions as shall be determined by
 315 the authority. All revenue bonds shall be issued pursuant to and in conformity with Article
 316 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," and all procedures

317 pertaining to such issuance and the conditions thereof shall be the same as those contained
318 in the Revenue Bond Law and any amendments thereto.

319 **SECTION 6.**

320 All revenue bonds and other debt instruments issued by the authority under the provisions
321 of this Act are declared to be issued for an essential public and governmental purpose, and
322 such bonds and other debt instruments, and the income thereof, shall be exempt from all
323 taxation by the state.

324 **SECTION 7.**

325 Any revenue bonds or other debt instruments issued under the provisions of this Act shall not
326 be deemed to constitute a debt of the State of Georgia, Colquitt County, or any municipality
327 within Colquitt County or a pledge of the faith and credit thereof; provided, however, that
328 such debt shall be payable solely from the rentals, revenues, earnings, and funds of the
329 authority as provided in the resolution or contract authorizing the issuance and securing the
330 payment of such bonds or other instruments. The issuance of such revenue bonds or other
331 debt instruments shall not directly, indirectly, or contingently obligate the state or any
332 political subdivision thereof, including Colquitt County and the municipalities within
333 Colquitt County, to levy or to pledge any form of taxation whatsoever therefor or to make
334 any appropriation for their payment, and all such bonds or other debt instruments shall
335 contain recitals on their face covering substantially the foregoing provisions of this section.
336 However, Colquitt County, the municipalities within Colquitt County, or any other political
337 subdivision of the State of Georgia contracting with the authority may obligate itself to pay
338 the amounts required under any contract entered into with the authority from funds received
339 from taxes to be levied and collected for that purpose to the extent necessary to pay the
340 obligations contractually incurred under this section and from any other source. The
341 obligation to make such payments shall constitute a general obligation and a pledge of the
342 full faith and credit of the obligor but shall not constitute a debt of the obligor within the
343 meaning of Paragraph I of Section V of Article IX of the Constitution of the State of Georgia.
344 When under any such contract payments are obligated to be made from taxes to be levied for
345 that purpose, then the obligation to levy and collect such taxes from year to year in an
346 amount sufficient to fulfill and fully comply with the terms of such contract shall be
347 mandatory.

348 **SECTION 8.**

349 The exercise of the powers conferred upon the authority in this Act shall constitute an
350 essential governmental function for a public purpose, and the authority shall be required to

351 pay no taxes or assessments upon any of the property acquired by it or under its jurisdiction,
 352 control, possession, or supervision, or upon its activities in the operation and maintenance
 353 of property acquired by it or of buildings erected or acquired by it or any fees, rentals, or
 354 other charges for the use of such property or buildings or other income received by the
 355 authority. The tax exemption provided in this Act shall not include an exemption from sales
 356 and use tax on property purchased by or for the use of the authority.

357 **SECTION 9.**

358 The authority shall have the same immunity and exemption from liability for torts and
 359 negligence as the State of Georgia, and the officers, agents, and employees of the authority,
 360 when in performance of the work of the authority, shall have the same immunity from
 361 liability for torts and negligence as officers, agents, and employees of the State of Georgia.
 362 The authority may be sued the same as private corporations on any contractual obligation of
 363 the authority. The property of the authority shall not be subject to levy and sale under legal
 364 process, except as may be contractually authorized by the authority.

365 **SECTION 10.**

366 Any action to protect or enforce any rights under the provisions of this Act or any suit or
 367 action against such authority shall be brought in the Superior Court of Colquitt County.

368

369 **SECTION 11.**

370 All funds received pursuant to this Act, whether as proceeds from the sale of revenue bonds
 371 or other debt instruments or obligations, or as loans, revenue, rents, fees, charges, or other
 372 earnings, or as grants, gifts, or other contributions, shall be deemed to be trust funds to be
 373 held and applied by the authority solely as provided in this Act.

374 **SECTION 12.**

375 (a) The authority shall be funded by the governing authority of Colquitt County from
 376 county-wide revenues based on a dedicated county-wide millage to be shown as a separate
 377 line item on annual property tax bills. The minimum dedicated millage shall be 1.0 mills of
 378 the county-wide digest each fiscal year, commencing July 1, 2017, and each fiscal year
 379 thereafter. The governing authority of Colquitt County may in its discretion fund the
 380 authority in any fiscal year in an amount in excess of 1.0 mills, up to a maximum of 2.0 mills
 381 of the county-wide digest each fiscal year.

382 (b) The authority shall develop a budget and a financial and program work plan for both
 383 capital and operational requirements for the authority's activities for each fiscal year. The
 384 authority's fiscal year shall commence July 1 of each calendar year and end June 30 of each

385 succeeding calendar year. Such plan shall be known as the "Annual Operating and Capital
386 Budget of the Moultrie-Colquitt County Parks and Recreation Authority." The budget and
387 plan shall be adopted on or before June 30 of each year, with an effective date of July 1. All
388 projected revenues and estimated expenditures shall be clearly outlined as to source and
389 expenditure classification and purpose. The authority shall balance its budget at the end of
390 each fiscal year.

391 (c) Each year the authority shall have made an independent audit and examination of the
392 authority's financial records and transactions. Said audit shall be made in accordance with
393 established national audit and accounting standards. Copies of said audit shall be available
394 for public review.

395 (d) The authority may contract for legal, financial, and auditing services but only with
396 attorneys, financial advisors, and auditors, other than those employed by Colquitt County or
397 any of the municipalities located therein.

398

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SECTION 13.

400 (a) The authority is authorized to appoint, select, and employ officers, agents, and employees
401 to adopt rules regulations governing their services, fix their respective compensations and
402 terms of employment, and to contract with other entities for the provision of personnel
403 employed by such other entities to be provided on behalf of the authority, provided that such
404 personnel shall be subject to all rules and regulations of the authority governing the services
405 and compensation of employees of the authority.

406 (b) The authority shall notify the City of Moultrie of the number of employees that it will
407 require to properly operate the facilities and programs of the authority. The City of Moultrie
408 shall transfer such employees as it deems appropriate to the authority. Upon transfer of such
409 employees to the authority, the employees shall become employees of the authority and no
410 longer employees of the City of Moultrie.

411 (c) The authority will use its best efforts to adopt a benefit plan so that each former city
412 employee's benefit plan existing on date of transfer of the employee from the city to the
413 authority will not be lost or reduced.

414 (d) The transfer of employees as described in this section shall be completed on or before
415 December 31, 2017.

416

SECTION 14.

417 This Act and any other law enacted with reference to the authority shall be liberally
418 construed for the accomplishment of the purposes of the authority.

419 **SECTION 15.**

420 When the authority for any reason is dissolved after full payment of all indebtedness incurred
421 under the provisions of this Act, both as to principal and interest, title to any property held
422 by the authority shall be conveyed prior to such dissolution in accordance with provisions
423 which may be made therefor in any deed of such property to the authority, including any
424 deed or other conveyance document by which such property was conveyed to the authority
425 by Colquitt County or any city located therein, or title to all property of any kind and nature,
426 real and personal, held by the authority at the time of such dissolution, shall be conveyed to
427 Colquitt County, subject to any liens, leases, or other encumbrances outstanding against or
428 in respect to said property at the time of such conveyance.

429 **SECTION 16.**

430 The authority shall become active on July 1, 2017. The authority shall begin providing
431 recreational services no later than January 1, 2018.

432 **SECTION 17.**

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