COUNTY AGENDA REQUEST

Department:	Commissioners	Presenter(s):	Jack Krakeel
Meeting Date:	Wednesday, November 7, 2012	Type of Request:	New Business

Wording for the Agenda:

Discussion of appointing two new members to the Public Facilities Authority.

Background/History/Details:

Fayette County's Public Facility Authority is to be comprised of three (3) members who shall be residents of Fayette County and who shall be appointed by the Board of Commissioners of Fayette County. The members of the Authority shall be appointed to serve for a term of one (1) year from the date of such appointment and until their successors shall have been selected and appointed.

On October 27, 2011, the Board of Commissioners reappointed Brian Cardoza, Mary Shaver, and Jack Smith to the Public Facilities Authority, with said reappointments to expire on October 31, 2012. On October 11, 2012, the Board of Commissioners reappointed Brian Cardoza to another one year term which will expire on October 31, 2013.

Both Mary Shaver and Jack Smith informed the Board that they have no desire to be reappointed to the Public Facilities Authority, and both of their terms expired October 31, 2012. The Board of Commissioners will need to appoint two members to the Public Facility Authority.

During the October 11, 2012 BOC meeting, Chairman Frady recommended these recommendations be discussed at this Workshop meeting.

What action are you seeking from the Board of Commissioners?

No action is expected at this meeting. The Board is requested to appoint two members to the Public Facilities Authority as soon as possible.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

Appointments to the Public Facilities Authority are considered annually.

Fayette County GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners
Jack Krakeel, Interim County Administrator

From: Floyd L. Jones, County Clerk

Date: September 18, 2012

Subject: Upcoming Appointments to Various Boards and Committees

There are several upcoming appointments to various Boards and Committees that will require your attention.

Public Facilities Authority

The Fayette County Public Facilities Authority Act (House Bill 1946) reads: *the Authority shall consist of three (3) members who shall be residents of Fayette County and who shall be appointed by the Board of Commissioners of Fayette County. The members of the Authority shall be appointed to serve for a term of one (1) year from the date of such appointment and until their successors shall have been selected and appointed.*

Currently, Brian Cardoza, Mary Shaver, and Jack Smith are the three members who are serving on the Public Facilities Authority. Each was reappointed by the Board on October 27, 2011. Their terms began on November 1, 2011 and will expire on October 31, 2012. In recent conversations, Brian Cardoza agreed to be reappointed to the Public Facilities Authority, however, both Mary Shaver and Jack Smith have decided not to be reappointed.

Planning Commission

According to Fayette County's Zoning Ordinance (Article XII Planning Commission), vacancies on the Planning Commission "shall be filled by the member of the Board of Commissioners hailing from the district which has the vacancy." Furthermore, the terms for each member of the Planning Commission "shall be three (3) years."

The terms for both Al Gilbert (representing Post 1) and James A. "Jim" Graw (representing Post 2) will expire on December 31, 2012. Both of these gentlemen were appointed to the Planning Commission by the Board on December 11, 2008, and both men have recently communicated that they are willing to be reappointed to the Planning Commission.

Zoning Board of Appeals

Article IX of Fayette County's Zoning Ordinance states "The Fayette County Zoning Board of Appeals shall consist of five (5) members residing within the County and shall be appointed by the Board of Commissioners of Fayette County."

Appointments to this body are not tied to a particular post so they are considered "at-large appointments" The term of office for each member of the Zoning Board of Appeals is three years.

Mr. Bill Beckwith's appointment to this body will expire on December 31. He was appointed to the Zoning Board of Appeals on December 10, 2009. Mr. Beckwith has recently emailed Pete Frisina stating he is willing to be reappointed to the Zoning Board of Appeals.

Library Board

The Library Board is made up of seven members. Four of the members are nominated by the local municipalities they represent, and their nomination is communicated to the Board of Commissioners by the municipalities (Fayetteville, Peachtree City, Tyrone and Brooks). The remaining three positions are at-large positions which are filled by the Board of Commissioners. The Board of Commissioners officially appoints all members to the Library Board regardless of whether they are nominated by the municipalities or are at-large members. All appointments to the Library Board are for four-year terms.

On December 31, the appointments for Jeannette Ballard, Dortha Stinson, and Jean White will expire. Jeanette Ballard and Dortha Stinson are at-large members, and Jean White is the nominee from the City of Fayetteville. Each of these ladies was appointed to the Library Board on December 11, 2008. Within the past week, Fayette County received a letter from Dortha Stinson stating that she does not desire to be reappointed to the Library Board.

Board of Health

Currently, Commissioner Robert Horgan serves on the Board of Health on the Board of Commissioners' behalf. Members to the Board of Health serve for six years, and one of the members of the Board of Health must be "the Chief Executive Officer of the Governing Authority of the County or his appointee."

This appointment will need to be considered in the coming months.

If you need any further information from me I will be glad to provide it. If you have any questions, please feel free to call me at 770-305-5102.

FLJ

RESOLUTION OF THE COMMISSIONERS OF FAYETTE COUNTY

WHEREAS, the General Assembly of Georgia adopted an Act providing for the Fayette County Public Facilities Authority, found at Georgia Laws 1978, Page 3377; and

WHEREAS, the Act was approved by the Governor; and

WHEREAS, the Board of Commissioners of Fayette County believe it is in the best interest of the County that the Fayette County Public Facilities Authority shall become operative.

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved that the Board of Commissioners of Fayette County declare the need for Fayette County Public Facilities Authority as enacted by Georgia Laws 1978, Page 3377, and it is hereby directed that said Authority become operative on the 12th day of October, 1978.

This 12th day of October, 1978.

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

Charles E. Phillips
CHARLES E. PHILLIPS, Chairman

Alton D. Brown
ALTON D. BROWN

Joe Bray
JOE BRAY

James K. Conner
JAMES K. (CHIP) CONNER

John L. Maddock Sr.
JOHN L. MADDOCK, SR.

ATTEST:

Please create a file - Public Facilities Authority

dates: January 6, 1978; January 13, 1978; and January 20, 1978.

/s/ Robert W. Chambers
Publisher, The Daily News

Sworn to and subscribed before me,
this 14th day of Feb., 1978.

/s/ Eve Hale Morris
Notary Public, Georgia State at Large.
My Commission Expires July 26, 1980.
(Seal).

Approved March 13, 1978.

FAYETTE COUNTY PUBLIC FACILITIES AUTHORITY ACT.

No. 869 (House Bill No. 1946).

AN ACT

To create the Fayette County Public Facilities Authority and to authorize such authority, to acquire, construct, equip, maintain and operate buildings and the usual and convenient facilities appertaining to such undertakings, and extensions and improvements of such facilities, acquiring parking facilities and parking areas in connection therewith, acquiring the necessary property therefor, both real and personal, and to lease or sell any or all of such facilities, including real property; to confer powers and to impose duties on the Authority; to provide for the membership and for the appointment of members of the Authority and their term of tenure and compensation, to authorize the Authority to contract with others pertaining to the facilities and to execute leases of such facilities and to convey title to real property in fee simple of the Authority and to do all things deemed necessary or convenient for the operation of such undertakings; to authorize the issuance of revenue bonds or obligations of the Authority, payable from the revenues, tolls, fees, charges and earnings of the Authority including, but not limited to, earnings derived from leases and income from conveyances of real property

of the Authority, and to pay the cost of such undertakings and to authorize the collection and pledging of the revenues and earnings of the Authority for the payment of such bonds or obligations and to authorize the execution of trust indentures to secure the payment thereof and to define the rights of the holders of such bonds or obligations; to provide that no debt of Fayette County shall be incurred in the exercise of any of the powers granted by this Act; to make the bonds or obligations of the Authority exempt from taxation; to authorize the issuance of refunding bonds or obligations; to fix the venue or jurisdiction of actions relating to any provisions of this Act and to provide that such bonds or obligations be validated as authorized by the Revenue Bond Law (Ga. Laws 1957, p. 36 et. seq.), as amended, amending the law formerly known as the Revenue Certificate Law of 1937 (Ga. Laws 1937, p. 761 et. seq.), as amended; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

Section 1. Short Title. This may be cited as the "Fayette County Public Facilities Authority Act".

Section 2. Fayette County Public Facilities Authority. (a) There is hereby created a body corporate and politic to be known as the Fayette County Public Facilities Authority, which shall be deemed to be a political subdivision of the State of Georgia and a public corporation by that name, style and title and said body may contract and be contracted with, sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity, except that the Authority or the trustee acting under the trust indenture shall in no event be liable for any torts committed by any of the officers, agents and employees of the Authority. The Authority is hereby granted the same exemptions and exclusions from taxes as are now granted to cities and counties for the operation of facilities similar to facilities to be operated by the Authority as provided under the provisions of this Act.

(b) The Authority shall consist of three (3) members who shall be residents of Fayette County and who shall be appointed by the Board of Commissioners of Fayette County. The members of the Authority shall be appointed to serve for a term of one (1) year from the date of such appointment and until their successors shall have been selected and appointed.

The Chairman of the Board of Commissioners of Fayette County or one of the members of the Board of Commissioners of Fayette County may be appointed to serve as members of the Authority, but in no event shall there be serving at any one time as a member of the Authority more than one member of the Board of Commissioners or the Chairman. The term of office of any member who holds his appointment by reason of his being a member of the appointing body, shall expire when his term of office as a member of such appointing body expires.

Any member of the Authority may be selected and appointed to succeed himself. Immediately after such appointments, the members of such Authority shall enter upon their duties. Any vacancy on the Authority shall be filled in the same manner as was the original appointment of the member whose termination of membership resulted in such vacancy and the person so selected and appointed shall serve for the remainder of the unexpired term. The Authority shall elect one of its members as chairman and another member as vice-chairman and it shall also elect a secretary and treasurer, who does not necessarily have to be a member of the Authority and if not a member he or she shall have no voting rights. Two-thirds of the members of the Authority shall constitute a quorum. No vacancy on the Authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the Authority. The members of the Authority shall be reimbursed for all actual expenses incurred in the performance of their duties. The Authority shall make rules and regulations for its own government. It shall have perpetual existence.

Section 3. Definitions. As used in this Act the following words and terms shall have the following meanings:

(a) The word "Authority" shall mean the Fayette County Public Facilities Authority created in Section 2 of this Act.

(b) The word "project" shall be deemed to mean and include the acquisition, construction, equipping, maintenance and operation of buildings and the usual facilities, furnishings, equipment, and real and personal property related thereto, and extensions and improvements of such buildings, equipment, facilities and property, the acquisition of the necessary property therefor, both real and personal, and the lease and sale of any part or all of such buildings, fa-

cilities, furnishings and equipment, including real and personal property, so as to assure the efficient and proper development, maintenance and operation of such facilities and areas, deemed by the Authority to be necessary, convenient or desirable.

(c) The term "cost of the project" shall embrace the cost of construction, the cost of all lands, properties, rights, easements and franchises acquired and the cost of all conveyances in fee simple of the Authority's title thereto and leases thereof, the cost of all machinery, furnishings and equipment, financing charges, interest prior to and during construction, and for one year after completion of construction, cost of engineering, architectural, fiscal and legal expenses, and of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expenses, and such other expenses as may be necessary or incident to the financing herein authorized, the construction of any project, or the placing of the same in operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this Act for such project.

(d) The terms "revenue bonds", "bonds" and "obligations" as used in this Act, shall mean revenue bonds as defined and provided for in the Revenue Bond Law (Ga. Laws 1957, p. 36), as amended, and such type of obligations may be issued by the Authority as authorized under said Revenue Bond Law and any amendments thereto and, in addition, shall also mean obligations of the Authority, the issuance of which are hereinafter specifically provided for in this Act.

(e) Any project shall be deemed "self-liquidating" if, in the judgment of the Authority, the revenues and earnings to be derived by the Authority therefrom and all properties used, leased and sold in connection therewith will be sufficient to pay the cost of operating, maintaining and repairing, improving and extending the project and to pay the principal of and interest on the revenue bonds which may be issued to finance, in whole or in part, the cost of such project or projects.

Section 4. Powers. The Authority shall have powers: (a) To have a seal and alter the same at pleasure;

(b) To acquire by purchase, lease or otherwise, and to hold, lease and dispose of real and personal property of every kind and character for its corporate purposes;

(c) To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, real property or rights of easements therein or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the Authority, and no property shall be acquired under the provisions of this Act upon which any lien or other encumbrance exists, unless at the time such property is so acquired a sufficient sum of money be deposited in trust to pay and redeem the fair value of such lien or encumbrance; and if the Authority shall deem it expedient to construct any project on any lands the title to which shall then be in Fayette County or in any municipality incorporated in said County, the governing authority or body of said County or of any of said municipalities, is hereby authorized to convey title to such lands to the Authority upon payment to the credit of the general funds of said County or municipalities the reasonable value of such lands, such value to be determined by three appraisers to be agreed upon by the governing authority or body of said County or municipality and the Chairman of the Authority;

(d) ~~To appoint,~~ select and employ, officers, agents and employees, including engineering, architectural and construction experts, fiscal agents and attorneys, and fix their respective compensations;

(e) To make contracts, leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be erected or acquired, and to dispose by conveyance of its title in fee simple of real and personal property of every kind and character, and any and all persons, firms and corporations, the State and any and all political subdivisions, departments, institutions or agencies of the State are hereby authorized to enter into contracts, leases or agreements with the Authority upon such terms and for such purposes as they deem advisable; and without limiting the generality of the above, authority is specifically granted to municipal corporations and counties and to the Authority to enter into contracts, lease and sublease agreements, with the

State of Georgia, or any agencies or departments thereof relative to buildings and facilities, areas and facilities and relative to any property, which such department or other agency or department of the State of Georgia has now, or may hereafter obtain, by lease from the United States Government or any agency or department thereof and the Authority is specifically authorized to convey title, in fee simple, to any and all of its lands and any improvements thereon to any persons, firms, corporations, counties, municipalities, the State of Georgia or the United States Government, or any agency or department thereof, subject to the rights and interests of the holders of any of the bonds or obligations authorized to be issued hereunder, and by the resolution or trust indenture of the Authority authorizing the issuance of any of its bonds or obligations as provided in Section 17 of this Act;

(f) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate and manage projects, as hereinabove defined, the cost of any such project to be paid in whole or in part from the proceeds of revenue bonds or other funds of the Authority or from such proceeds or other funds and any grant from the United States of America or any agency or instrumentality thereof;

(g) To accept loans or grants of money or materials or property of any kind from the United States of America or any agency or instrumentality thereof, upon such terms and conditions as the United States of America or such agency or instrumentality may impose;

(h) To accept loans or grants of money or materials or property of any kind from the State of Georgia or any agency or instrumentality or political subdivision thereof, upon such terms and conditions as the State of Georgia or such agency or instrumentality or political subdivision may impose;

(i) To borrow money for any of its corporate purposes and to execute evidences of such indebtedness and to secure the same and to issue negotiable revenue bonds payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof;

(j) To exercise any power usually possessed by private corporations performing similar functions, which is not in conflict with the Constitution and laws of this State;

(k) The Authority and the trustee acting under the trust indenture, are specifically authorized from time to time to sell, lease, grant, exchange or otherwise dispose of any surplus property, both real or personal, or interest therein not required in the normal operation of and usable in the furtherance of the purpose for which the Authority was created, except as such right and power may be limited as provided in Section 17 hereof;

(l) To borrow money for any of its corporate purposes from any bank, banks or other lending institutions for a period of time not to exceed ten (10) years and to execute evidences of such indebtedness and to secure the same by assigning all rights to and pledging all funds to be received by the Authority from a lease or leases entered into by the Authority as the lessor and Fayette County as the lessee;

(m) To do all things necessary or convenient to carry out the powers expressly given in this Act.

Section 5. Revenue Bonds. This Authority, or any authority or body which has or which may in the future succeed to the powers, duties and liabilities vested in the Authority created hereby, shall have power and is hereby authorized at one time, or from time to time, to provide by resolution for the issuance of negotiable revenue bonds, for the purpose of paying all or any part of the cost as herein defined of any one or more projects. The principal of and interest on such revenue bonds shall be payable solely from the special fund herein provided for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the maximum limit prescribed in the Revenue Bond Law or any amendment thereto. Interest shall be payable semi-annually, principal shall mature at such time or times not exceeding 40 years from their date or dates, shall be payable in such medium of payment as to both principal and interest as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority in the resolution providing for the issuance of the bonds. Such revenue bonds or obligations shall be issued pursuant to and in conformity with the Revenue Bond Law (Ga. Laws 1957, p. 36), as amended, amending the law formerly known as the Revenue Certificate Law of 1937 (Ga. Laws 1937, p. 761), as amended, and all procedures pertaining to such

issuance and the conditions thereof shall be the same as those contained in said Revenue Bond Law and any amendments thereto.

Section 6. Same; Form; Denomination; Registration; Place of Payment. The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places for payment of principal and interest thereof, which may be at any bank or trust company within or without the State. The bonds may be issued in coupon or registered form, or both, as the Authority may determine and provision may be made for the registration of any coupon bond as to the principal alone and also as to both the principal and interest.

Section 7. Same; Signatures; Seal. All such bonds shall be signed by the Chairman of the Authority and attested by the Secretary and Treasurer of the Authority and the official seal of the Authority shall be affixed thereto and any coupons attached thereto shall bear the facsimile signatures of the Chairman and Secretary and Treasurer of the Authority. Any coupon may bear the facsimile signatures of such persons and any bond may be signed, sealed and attested on behalf of the Authority by such persons as at the actual time of the execution of such bonds shall be duly authorized or hold the proper office, although at the date of such bonds such persons may not have been so authorized or shall not have held such office. In case any officer whose signature shall appear on any bonds or whose facsimile signature shall appear on any coupon shall cease to be such officer before delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

Section 8. Same; Negotiability; Exemption From Taxation. All revenue bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under laws of the State. Such bonds are declared to be issued for an essential public and governmental purpose and the said bonds and the income thereof shall be exempt from all taxation within the State.

Section 9. Same; Sale; Proceeds. The Authority may sell such bonds in such manner and for such price as it may determine to be for the best interest of the Authority and the proceeds derived from

the sale of such bonds shall be used solely for the purpose provided in the proceedings authorizing the issuance of such bonds.

Section 10. Same; Interim Receipts and Certificates or Temporary Bonds. Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts, interim certificates or temporary bonds, with or without coupons exchangeable for definitive bonds upon the issuance of the latter.

Section 11. Same; Replacement of Lost or Mutilated Bonds. The Authority may also provide for the replacement of any bond or any coupons which shall become mutilated or be destroyed or lost.

Section 12. Same; Conditions Precedent to Issuance. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified or required by this Act. Any resolution, providing for the issuance of revenue bonds under the provisions of this Act, shall become effective immediately upon its passage and need not be published or posted, and any such resolution may be passed at any regular or special or adjourned meeting of the Authority by a majority of its members.

Section 13. Credit Not Pledged. Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of Fayette County, nor a pledge of the faith and credit of said County, but such bonds shall be payable solely from the fund hereinafter provided for and the issuance of such revenue bonds shall not directly, indirectly or contingently obligate the said County to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this Section.

Section 14. Trust Indenture as Security. In the discretion of the Authority, any issue of such revenue bonds may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State. Such trust indenture may pledge or assign fees, tolls, revenues and earnings to be received by the Authority, including the proceeds derived from the sale from time to time of any surplus property of the Authority,

both real and personal. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair and insurance of the project, and the custody, safeguarding and application of all monies, including the proceeds derived from the sale of property of the Authority, both real and personal, and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the Authority, and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying bonds or pledge such securities as may be required by the Authority. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indenture may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the project affected by such indenture.

Section 15. To Whom Proceeds of Bonds Shall Be Paid. The Authority shall, in the resolution providing for the issuance of revenue bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds to any officer or person who or any agency, bank or trust company which shall act as trustee of such funds and shall hold and apply the same to the purposes hereof, subject to such regulations as this Act and such resolution or trust indenture may provide.

Section 16. Sinking Fund. The revenues, fees, tolls and earnings derived from any particular project or projects, regardless of whether or not such fees, earnings and revenues were produced by a particular project for which bonds have been issued and any monies derived from the sale of any properties, both real and per-

sonal, of the Authority, unless otherwise pledged and allocated, may be pledged and allocated by the Authority to the payment of the principal and interest on revenue bonds of the Authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide, and such funds so pledged from whatever source received, which said pledge may include funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, into a sinking fund which said sinking fund shall be pledged to and charged with the payment of (1) the interest upon such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) any premium upon bonds acquired by redemption, payment or otherwise, and (4) the necessary charges of the paying agent or agents for paying principal and interest, and (5) any investment fees or charges. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be maintained as a trust account for the benefit of all revenue bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in the trust indenture any surplus monies in the sinking fund may be applied to the purchase or redemption of bonds and any such bonds so purchased or redeemed shall forthwith be cancelled and shall not be reissued, printed and delivered.

Section 17. Remedies of Bondholders. Any holder of revenue bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent the rights herein given may be restricted by resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia or granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this Act or by such resolution or trust indenture, to be performed by the Authority, or any officer thereof, including the fixing, charging, and collecting of revenues, fees, tolls, and other charges for the use of the facilities and services furnished.

Section 18. Refunding Bonds. The Authority is hereby authorized to provide by resolution for the issuance of bonds of the Authority for the purpose of funding or refunding any revenue bonds issued under the provisions of this Act and then outstanding, together with accrued interest thereon and premium, if any. The issuance of such funding or refunding bonds, the maturities and all other details thereof, the rights of the holders thereof, and the duties of the Authority in respect to the same, shall be governed by the foregoing provisions of this Act insofar as the same may be applicable.

Section 19. Venue and Jurisdiction. Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such Authority shall be brought in the Superior Court of Fayette County, Georgia, and any action pertaining to validation of any bonds issued under the provisions of this Act shall likewise be brought in said court which shall have exclusive, original jurisdiction of such actions.

Section 20. Validation. Bonds of the Authority shall be confirmed and validated in accordance with the procedure of the Revenue Bond Law, as amended. The petition for validation shall also make party defendant to such action the State of Georgia or any municipality, county, authority, political subdivision or instrumentality of the State of Georgia or the United States Government or any department or agency of the United States Government, if subject to being sued and if consenting to same, which has contracted with the Authority for the services and facilities of the project for which bonds are to be issued and sought to be validated and the State or such municipality, county, authority, political subdivision or instrumentality shall be required to show cause, if any, why such contract or contracts and the terms and conditions thereof should not be inquired into by the Court and the validity of the terms thereof be determined and the contract or contracts adjudicated as a part of the basis of the security for the payment of any such bonds of the Authority. The bonds when validated, and the judgment of validation shall be final and conclusive with respect to such bonds and the security for the payment thereof and interest thereon and against the Authority issuing the same, the State and any municipality, county, authority, political subdivision, or instrumentality, if a party to the validation proceedings, contracting with the said Fayette County Public Facilities Authority.

Section 21. Interest of Bondholders Protected. While any of the bonds issued by the Authority remain outstanding, the powers, duties or existence of said Authority or of its officers, employees or agents shall not be diminished or impaired in any manner that will affect adversely the interest and rights of the holders of such bonds, and no other entity, department, agency or Authority will be created which will compete with the Authority to such an extent as to affect adversely the interest and rights of the holders of such bonds, nor will the State itself so compete with the Authority. The provisions of this Act shall be for the benefit of the Authority and the holders of any such bonds, and upon the issuance of bonds under the provisions hereof, shall constitute a contract with the holders of such bonds.

Section 22. Moneys Received Considered Trust Funds. All moneys received pursuant to the authority of this Act, whether as proceeds from the sale of revenue bonds, as grants or other contributions or as revenues, income, fees and earnings, shall be deemed to be trust funds to be held and applied solely as provided in this Act.

Section 23. Purpose of the Authority. Without limiting the generality of any provisions of this Act the general purpose of the Authority is declared to be that of acquiring, constructing, equipping, maintaining and operating buildings and the usual facilities, furnishings, equipment, and property related thereto, and related buildings and the usual and convenient facilities appertaining to such undertakings and extensions and improvements of such facilities, acquiring parking areas in connection therewith, acquiring the necessary property therefor, both real and personal, and to lease or sell any or all of such facilities including real property and to do any and all things deemed by the Authority, necessary, convenient or desirable for and incident to the efficient and proper development and operation of such types of undertakings.

Section 24. Rates, Charges and Revenues; Use. The Authority is hereby authorized to prescribe and revise from time to time rates, fees, tolls and charges, and to collect such rates, fees, tolls and charges for the services, facilities or commodities furnished, including leases, concessions or subleases of its lands or facilities, and to determine the price and terms at and under which its lands or facilities may be sold and in anticipation of the collection of the revenues and income of such undertakings or projects, to issue revenue bonds

as herein provided to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, equipment, betterment or extension of its lands and facilities and to pledge to the punctual payment of said bonds and interest thereon, all or any part of the revenues and income of such undertakings or projects, including the revenues of improvements, betterments or extensions thereafter made or the sale of any of its lands and facilities.

Section 25. Rules and Regulations for Operation of Projects. It shall be the duty of the Authority to prescribe rules and regulations for the operation of the project or projects constructed under the provisions of this Act, including the basis on which facilities shall be furnished.

Section 26. (a) All meetings of the Authority shall be opened to the public at all times. Ample notice shall be given to all members of the Authority and to the public of any special or called meeting of the Authority. The minutes of all meetings and all actions taken by the Authority shall likewise be opened to public inspection.

(b) Each purchase made in behalf of the Authority of personal property or services in excess of $500.00 shall be accomplished pursuant to competitive bids, after having published invitations to bid in the official organ of Fayette County prior to the award of any contract. All bids shall be opened during meetings of the Authority and the rejection or acceptance thereof shall be entered upon the minutes of the Authority.

(c) Any surplus or unserviceable property of the Authority shall be disposed of pursuant to competitive bids which shall be advertised in the official organ of Fayette County. All bids for the disposal of such property shall be opened during public meetings of the Authority and the acceptance and rejection thereof shall be entered upon the minutes of the Authority.

(d) The affirmative action of at least two members of the Authority shall be required in order that any action on behalf of the Authority may be taken.

(e) At the conclusion of each fiscal year of the Authority, the affairs of the Authority shall be audited by a certified public accounting firm. The Board of Commissioners of Fayette County shall

select the firm which shall conduct the audit. A synopsis of the audit shall be published in the official organ of Fayette County as soon as the report of the auditors is submitted to the Authority.

(f) All funds of the Authority which are not required for the normal operations of the Authority shall be invested in interest bearing investments within 30 days of their receipt by the Authority.

Section 27. Powers Declared Supplemental and Additional. The foregoing Sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing.

Section 28. Liberal Construction of Act. This Act being for the purpose of promoting the health and general welfare of the citizens of the United States, of the State of Georgia and Fayette County, shall be liberally construed to effect the purposes hereof.

Section 29. Effect of Partial Invalidity of Act. Should any sentence, clause, phrase, or part of this Act be declared for any reason to be unconstitutional or invalid, the same shall not affect such remainder of this Act or any part hereof, other than the part so held to be invalid, but the remaining provisions of this Act shall remain in full force and effect, and it is the express intention of this Act to enact each provision of this Act independently of any other provision hereof.

Section 30. County Powers. This Act does not in any way take from Fayette County or any municipality located therein, the authority to own, develop, operate and maintain buildings or facilities, or to issue revenue bonds as is provided by the Revenue Bond Law of Georgia (Ga. Laws 1957, p. 36), as amended, amending the law formerly known as the Revenue Certificate Law of 1937 (Ga. Laws 1937, p. 761), as amended.

Section 31. Effective Date. This Act shall become effective upon approval by the Governor or upon its becoming law without his approval. However, the Authority shall not become operative until such time as the governing authority of Fayette County shall, by appropriate resolution, declare the need for the Authority within Fayette County.

Section 32. Repealer. All laws and parts of laws in conflict with this Act are hereby repealed.

Notice of Intention to Introduce Local Legislation.

Notice is hereby given that there will be introduced at the regular 1978 session of the General Assembly of Georgia a bill creating the Fayette County Public Facilities Act authorizing the governing authority of Fayette County to acquire land, and construct, equip, maintain and operate buildings and other facilities appertaining to the provisions for services for which the the governing authority is empowered to do in accordance with Article VII, Sections 4, 5 and 6 of the Constitution of the State of Georgia and for other lawful purpose according to the Constitution and laws of the State of Georgia, to repeal conflicting laws and for other purposes.

Publisher's Affidavit

Georgia, Fayette County.

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Quimby Melton, III, who, on oath, deposes and says he is publisher of the Fayette County NEWS, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the FAYETTE COUNTY NEWS, which is the official organ of Fayette County, on the following dates: December 14, 1977, December 21, 1977, December 28, 1977 and February 15, 1978.

/s/ Quimby Melton, III
Publisher, Fayette County News

Sworn to and subscribed before me,
this 17th day of February, 1978.