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CHAPTER 13

ARTICLE I

Authorization for County to Provide Transit Services

§13-101 Purpose. To authorize the Board of Commissioners of Chatham County to provide transit services throughout the County; to provide for exceptions; to provide for other matters relative to the forgoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

§13-102 Area of Application. Except as provided by Section 13-103 of this Act, the Board of Commissioners of Chatham County is authorized to provide transit services within any portion or portions of the unincorporated area of Chatham County and within any portion or portions of any incorporated area of Chatham County. In carrying out this function, the Board of Commissioners of Chatham County may contract with a transit authority.

§13-103 Exclusion.

1. Except for the City of Savannah, any city in Chatham County may exclude itself from the provisions of this Act. Such exclusion may be accomplished by a resolution adopted for that purpose by any such city if such resolution is adopted within 90 days after the effective date of this Act and is approved by a minimum of two-thirds of the members of the governing authority of such city.
2. Any city in Chatham County which adopts a resolution pursuant to subsection (1) of this section may, at any subsequent time, petition the Board of Commissioners of Chatham County to come back under the provisions of this Act. Such petition shall take the form of a resolution duly adopted by the governing authority of the municipality. After receiving such petition, the Board of Commissioners of Chatham County may notify the governing authority of the petitioning city of the time when the city, a portion thereof, or none of the city will be included in the special district for transit services and may take such action as may be necessary to include the city or a portion thereof within the special district for transit services.

§13-104 Special Districts. The Board of Commissioners of Chatham County may create a special district for transit services, which may include all, any portion, or none of the unincorporated area of Chatham County or all, any portion, or none of the areas within the municipalities of Chatham

County, as provided for in Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia to raise funds for the provision of transit services within such district. If said special district includes a portion or portions of Chatham County, as provided for in Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia to raise funds for the provision of transit services within such district. If said special district includes a portion or portions of Chatham County lying within the corporate boundaries of the City of Savannah, then such special district shall also include other portions of Chatham County lying within the corporate boundaries of the City of Savannah, then such special district shall also include other portions of Chatham County. Any portion of the unincorporated area of Chatham County which does not receive transit services shall be excluded from the special district for transit services. Nothing in this Act shall be construed to prohibit the Board of Commissioners of Chatham County from financially supporting the provisions of transit services within said county from any funds of said County.

§13-105 Effective Date. This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

§13-106 Repealer. All laws and parts of laws in conflict with this Act are repealed. (1986 Ga. Laws 5315)

ARTICLE II

Chatham Area Transit Authority

§13-201 Purpose. To create the Chatham Area Transit Authority, so as to provide for a public transportation system for the Chatham County area; to provide for a short title; to provide a statement of findings and necessity; to provide for definitions; to provide for the membership of the authority; to provide that certain officers of the authority shall be bonded; to provide for the powers of the authority; to provide for areas to be served by the authority; to provide for the handling of the financial operations of the authority; to provide for the issuance of bonds by the authority; to provide for revenue bonds and for matters relative to the issuance of such bonds; to provide for negotiability and for exemption from taxation; to provide for the sale of bonds; to provide for the use of the proceeds of bonds; to provide for temporary bonds; to provide for the replacement of lost or stolen bonds; to provide conditions relative to the issuance of bonds and for the purpose of issuance; to provide that revenue bonds issued by the authority shall not constitute debt of the state or any county or municipality; to provide for trust indentures; to provide for payment of proceeds of bonds; to provide for a sinking fund; to provide for remedies of bondholders; to provide for refunding bonds; to provide for venue and jurisdiction for certain actions; to provide for the validation of bonds; to provide for the protection of the interest of bondholders; to provide for the construction contracts and for the purchase of supplies; to provide for the fixing and charging of fares, rates, fees, tolls, or charges; to provide for certain exemptions from taxation; to provide exemption from rules and regulations of the Georgia Public Service Commission; to provide for the transfer of assets and liabilities from a previously existing authority to the Chatham County Transit Authority; to provide for construction; to provide for severability; to provide for other matters relative to the foregoing; to provide an effective date and for conditions relative thereto; to provide for the repeal of a specific Act; to repeal conflicting laws; and for other purposes.

§13-202 Short Title. This Act shall be known and may be cited as the "Chatham Area Transit Authority Act."

§13-203 Statement of Necessity. It is found, declared, and determined that public convenience and necessity require the creation of a public authority to operate a transit system inside and outside of Chatham County and, in connection

therewith, to engage in or complete projects and exercise the powers provided by this Act.

§13-204 Definitions. As used in this Act, unless the context clearly requires another meaning, the term:

1. Authority means the Chatham Area Transit Authority created by this Act.
2. Cost Of Project means and includes the cost of construction, the cost of all lands, properties, rights, easements, and franchises acquired, the cost of all machinery and equipment, financing charges, the cost of engineering, architectural, fiscal and legal expenses, and of plans and specifications and other expenses necessary or incidental to determining the feasibility or practicability of the project, administrative expense, and such other expenses as may be necessary or incidental to determining the feasibility or practicability of the project, administrative expense, and such other expenses as may be necessary or incidental to the financing herein authorized, the acquisition and construction of the project, the placing of the same in operation, and the condemnation of property necessary for such acquisition, construction, and operation. The cost of any project may also include a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, and such other reserves as may be reasonably required by the authority with respect to the financing and operating of its projects and as may be authorized by any bond resolution or trust agreement or indenture pursuant to the provisions of which the issuance of any bonds may be authorized. The cost of a project may also include all interest on revenue bonds, notes, or other obligations of the authority which accrue or are paid prior to and during the period of acquisition or construction of a project and during such additional period as the authority may reasonably determine to be necessary to place such project 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.
3. Director means the director of the Chatham Area Transit Authority.
4. Transit System means any and all real property, equipment, or facilities necessary or incidental to the implementation of the purposes and intent of this Act and shall include any subsystems or separate transportation systems including, but

not limited to, a bus system, train system, or any other type of transportation system.

5. Project means and includes the acquisition, construction, equipping, maintenance, improving and operation of a transit system and related buildings and equipment and the usual and convenient facilities appertaining to such undertakings and extensions and improvements of such facilities, acquiring the necessary property, both real and personal and the lease and sale of any part of all such facilities, including real and personal property so as to assure the efficient and proper development, maintenance, and operation of such transit system deemed by the authority to be necessary, convenient, or desirable for the operation of such system.
6. Revenues means all rates, fares, tolls, fees, charges, rentals, proceeds derived from contracts for the services or facilities of the authority, government grants or other grants from public or private sources, or other income and revenue actually received or receivable by or for the account of the authority from the operation of the system, including, without limiting the generality of the foregoing, interest allowed on any monies or securities and any consideration in any way derived from any properties owned, operated, or at any time maintained by the authority.

§13-205 Creation. There is created a body corporate and politic to be known as Chatham Area Transit Authority, which shall be deemed to be an instrumentality of the State of Georgia and a public corporation, and by that name, style, and title said authority may contract and be contracted with, bring and maintain actions, and complain and defend in all courts of law and equity. The authority shall have perpetual existence.

§13-206 Membership.

1. The authority shall consist of the members of the Board of Commissioners of Chatham County and three citizen members as follows:
 - a. One resident of the City of Savannah appointed by the mayor and aldermen of said city;
 - b. One resident of the unincorporated area of Chatham County appointed by the Board of Commissioners of said county; and,
 - c. One resident of any municipality, other than the City of Savannah, which lies within a special district for

transit services created by the Board of Commissioners of Chatham County who shall be appointed as provided in paragraph 1 of subsection 2 of this section.

2. a. The citizen member of the authority provided for by paragraph (c) of subsection (1) of this section shall be appointed by a resolution naming the same person as such member being adopted by the governing authority of each municipality, other than the City of Savannah, which lies within a special district for transit services created by the Board of Commissioners of Chatham County. Such citizen member shall serve for a term of office concurrent with the terms of office, or concurrent with the remaining unexpired terms of office in the case of the first such member, of members of the authority who are also members of the Board of Commissioners of Chatham County. Successors to such citizen member shall be appointed to take office at the same time members of the Board of Commissioners of Chatham County take office following their election, but any such citizen member shall serve until a successor is appointed and qualified as provided in this paragraph.
- b. The citizen members of the authority provided for by paragraphs (a) and (b) of subsection (1) of this section shall serve for terms of office concurrent with the terms of office, or concurrent with the remaining unexpired terms of office in the case of the first such members, of the members of the respective governing authorities making the appointment. Such members shall serve until their successors are appointed and qualified as provided in paragraph (a) or (b) of subsection (1) of this section.
- c. All citizen members of the authority shall be users of the transit system. Any citizen member who has served for two consecutive full terms of office shall not be eligible for reappointment as a member of the authority.
- d. A citizen member's seat on the authority shall be forfeited if:
 - (1) The member lacks at any time the qualifications for membership on the authority provided by this Act.
 - (2) The member is convicted of any felony or other crime involving moral turpitude, regardless of the sentence imposed; or,

- (3) The member fails to attend four consecutive regular meetings of the authority.
- e. If the seat of any citizen member of the authority becomes vacant because of death, resignation, or forfeiture as provided in paragraph (d) of this subsection, or for any other reason, such vacancy shall be filled for the unexpired term in the same manner that an appointment is made for a full term as provided in this section.
3. A majority of the members of the authority shall constitute a quorum for the transaction of business. No vacancy on the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.
4. No member of the authority shall vote on any matter in which such member shall have directly or indirectly any financial interest. Except for compensation received as an employee, no employee of the authority shall have directly or indirectly any financial interest in or profit or benefit from any contract, work, or business of the authority or in the sale, lease, or purchase of any property to or from the authority.
5. Members of the authority shall serve without compensation, but shall be entitled to reimbursement for actual expenses incurred on authority business, provided such expenses were authorized in advance of their being incurred.
6. Unless otherwise provided by procedures or bylaws adopted by the authority, the Chairman of the Board of Commissioners of Chatham County shall be the chairman of the authority and the vice-chairman of the Board of Commissioners of Chatham County shall be the vice-chairman of the authority. the vice-chairman shall act in the absence or inability of the chairman. Regular meetings of the authority shall be held at least quarterly, the time, place, and notice of such meetings to be fixed by the authority. All meetings of the authority shall be conducted in accordance with Robert's Rules of Order, unless the authority shall adopt other rules. All motions, resolutions, and all other proceedings of the authority and all documents and records in its possession shall be public records and open to public inspection as provided in Article 4 of Chapter 18 of Title 50 of the O.C.G.A.
7. The chairman of the authority shall be entitled to vote on any matter coming before the authority.

§13-207 Secretary-Treasurer and Director.

1. A secretary-treasurer and a director shall be appointed by the authority and shall serve at the pleasure of the authority. The secretary-treasurer need not be a member of the authority and the director shall not be a member of the authority. Both officers shall perform those duties imposed by this Act and by policies of the authority. The director shall have responsibility for the management of the properties and business of the authority and shall perform such other duties as may be prescribed from time to time by the authority.

2. Before entering upon the duties of their respective offices, the secretary-treasurer and director shall each execute a bond with a corporate surety to be approved by the authority. The bond of both officers shall be payable to the authority in whatever penal sum may be directed by the authority, conditioned upon the faithful performance of the duties of their respective offices and the payment of all moneys received by each of them according to law and the orders of the authority. The authority may at any time require a new bond from either or both officers in such penal sum as may then be determined.

§13-208 Audits. The authority shall cause the books and records of the authority to be audited annually by the external auditor of Chatham County, unless another qualified auditor, who shall be a certified public accountant or a firm of certified public accountants, is selected by the authority.

§13-209 General and Enumerated Powers. The power of the authority shall include, but shall not be limited to, those powers generally conferred upon authorities pursuant to law and shall also include those specifically granted by this Act which may be exercised to accomplish the purpose for which the authority is created. The specific powers of the authority shall include the following:

1. To receive and administer gifts, grants, and donations;

2. To adopt a seal and alter the same at its pleasure;

3. To execute contracts in such manner as the authority may determine;

4. To acquire by grant, purchase, gift, devise, or lease; and to hold, use, sell, lease, or dispose of real and personal property of every kind and nature whatsoever as may be necessary for the full exercise of, or convenient or useful

for the carrying on of, any of its powers granted by this Act;

5. To acquire, construct, complete, develop, own, operate, and maintain a transit system for the purpose of transporting persons inside and outside of Chatham County, including power to acquire by purchase, lease, gift, or otherwise all or any part of any patents, licenses, rights, interest, engineering studies, data, or reports owned or held by any person, firm, or corporation and determined by the authority to be necessary, convenient, or useful to the authority in connection with the acquisition, construction, completion, development, operation, or maintenance of the transit system.
6. To appoint, select, and employ officers, agents, and employees, including engineering, architectural, and construction experts, fiscal agents, and attorneys; to fix or provide for their respective compensation; to provide for pension and retirement plans for these officers, agents, and employees; to provide for or contract for group life, medical, and hospitalization insurance plans for said officers, agents, and employees and to pay the costs thereof either in whole or in part; and to be a self-insurer as to worker's compensation claims without being required to comply with the provisions of the Official Code of Georgia Annotated which relate to self-insurers and the posting of security of indemnity bonds;
7. To borrow money for any of its corporate purposes and to issue notes or bonds therefor any to sell, convey, mortgage, pledge, and assign any and all of its funds, property, or income as security therefor and to provide for the payment of the same and the rights of the holders thereof;
8. To issue negotiable or registered bonds; including revenue and refunding bonds, under such terms and conditions as it deems appropriate and to provide for the payment of same and for the rights of the holders thereof;
9. To enter into any financial arrangements whatsoever necessary to accomplish the purposes of this Act not expressly prohibited by law;
10. To bring and maintain actions in its corporate name in all courts of competent jurisdiction;
11. To enter into contracts or agreements with any public or private corporation, or other person or with the United States, the State of Georgia, Chatham County, any municipalities, or any other governmental units, authorities, or

political subdivisions in order to exercise and carry out its powers and purposes;

12. To have and to exercise the usual powers of public and private corporations performing similar functions which are not in conflict with the Constitution and laws of this state or of the United States of America;
13. To make and execute all instruments and contracts for the acquisition of existing transportation facilities, acquisition of new facilities and properties, and such other matters and things as may be needful and necessary to the proper and efficient operation of the business of the authority;
14. To enter into contracts for the operation, maintenance, management, or supervision of all or any portion of the transit system;
15. To accumulate its funds from year to year and to invest the same in any manner that public funds of the State of Georgia or any of its political subdivision may be invested;
16. To exercise the right and powers of eminent domain for the condemnation of real or personal property or any rights or interest therein for its use in the operation of the business of the authority, including the power to acquire real property in fee simple or any lesser estate or interest;
17. To procure and enter into contracts for any type of insurance and indemnity against loss or damage to its property from any cause, including loss or damage to its property from any cause, including loss of use and occupancy, against death or injury of any person, against employers liability, against any act of any member, officer, or employee of the authority in the performance of the duties of office or employment of any other insurable risk;
18. To adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in which its business may be transacted and in which the power granted to it may be enjoyed as the board may deem necessary or expedient in facilitating the business of the authority;
19. To acquire for cash or by exchange of its bonds, any publicly or privately owned bus lines or other transportation facilities inside or outside of Chatham County, which may be integrated as feeder services with the transit system of the authority;

20. To require that certain officers and employees shall execute a bond with a corporate surety to be approved by the authority. The bond of such officers and employees shall be payable to the authority in whatever penal sum may be directed by the authority, conditioned upon the faithful performance of the duties of their respective offices and the payment of all moneys received by them according to law and the orders of the authority. The authority may at any time require a new bond from any officer or employee in such penal sum as may then be determined; and
21. To exercise any and all other powers necessary or convenient to carry out the purposes and intent of this Act.

§13-210 Area Served. No area within Chatham County shall be served by the Chatham Area Transit Authority unless it is part of a special district for transit services created by the Board of Commissioners of Chatham County as provided by law and as authorized by Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia. All areas of Chatham County which are included within a special district for transit services shall be served by the transit system of the Authority on a reasonable basis throughout such special district. No provision of this Section 3.2, or of this Act, shall be construed to prohibit contract or charter bus service by the Authority to any area within Chatham County, provided the revenue paid by the contracting or chartering party to the Authority in consideration for any such contract or charter service is not less than the actual cost to the Authority of providing such contract or charter service, including overhead and fixed costs of operation.

§13-211 Exclusion Provision. Notwithstanding any other provision of law, the Town of Vernonburg may exclude itself from any coverage or association with the Chatham Area Transit Authority by a resolution adopted for that purpose within 90 days after the effective date of this Act and approved by a minimum of two-thirds of the town's governing authority. Upon adoption and approval of such resolution and its transmission to the Board of Commissioners of Chatham County, the Town of Vernonburg shall be excluded from the special district for transit services created by the Board of Commissioners of Chatham County.

§13-212 Financial Operations. The financial operations of the authority, including but not limited to, investment of funds, financial accounting and reporting, purchasing, and other such financial or administrative matters may be performed by Chatham County unless otherwise directed by the authority.

§13-213 Sovereign Immunity. The authority shall have sovereign immunity except, however, the defense of sovereign immunity is waived as to those actions for the recovery of damages for any claim against the authority for which liability insurance protection for such claims has been provided but only to the extent of the liability insurance so provided.

§13-214 Revenue Bonds. In furtherance of the purposes of this Act and for the purpose of acquiring, constructing, and equipping a modern and efficient transit system or any part thereof and for the purpose of financing the cost of any project in connection therewith, the authority may issue revenue bonds in accordance with the provisions of Article 3 of Chapter 82 of Title 36 of the O.C.G.A., known as the "Revenue Bond Law" and exercise, in addition to the other powers provided by this Act, the powers provided by said "Revenue Bond Law" in the same manner and to the same extent as counties and municipalities of this state.

§13-215 Issuance of Revenue Bonds. The 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 authorized at one time, or from time to time, to provide by resolution for the issuance of negotiable or registered revenue bonds for the purpose of paying all or any part of the cost of a project of the authority. The principal and interest of such revenue bonds shall be payable solely from the special funds hereinafter provided by this Act for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates as may be authorized by the authority from time to time, shall be payable at such times, shall mature at such time or times not exceeding 30 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 pursuant to and in conformity with the Revenue Bond Law, and all procedures pertaining to such issuance and the conditions thereof shall be the same as those contained in the Revenue Bond Law and any amendments thereof, except that in lieu of specifying the rate of rates or rates of interest which the bonds are to bear, which may be fixed or may fluctuate or otherwise change from time to time, the petition to validate the bonds may set forth a maximum rate of interest which any bonds are to bear.

§13-216 Form; Denominations; Registration; Place Of Payment. The authority shall determine the form of the bonds and shall

fix the denomination or denominations of the bonds and the place or places of payment or principal and interest thereof, which may be at any bank or trust company inside or outside 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 principal alone or as to both the principal and interest.

§13-217 Signatures; Seal. Should any officer whose signature or facsimile signature appears on any bonds or whose signature or facsimile signature appears on any coupon cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. All such bonds shall be signed by the chairman of the authority and attested by the secretary-treasurer of the authority and the official seal of the authority shall be affixed thereto or printed thereon and any coupons attached thereto shall bear the facsimile signature of the chairman or secretary-treasurer of the authority. Any bond may be signed, sealed, and attested on behalf of the authority by such persons as at the actual time of the preparation or execution of such bonds shall be duly authorized or hold the proper office, although at the date of delivery and payment of such bonds such persons may not have been so authorized or shall not have held such office.

§13-218 Same; Negotiability; Exemption from Taxation. Whether or not the bonds of the authority are of such form and character as to be negotiable instruments, the bonds are made negotiable instruments within the meaning of and for all the purposes of Georgia law subject only to the provisions of the bonds for registration. Such bonds are declared to be issued for an essential public and governmental purpose and the said bonds, their transfer, and the income therefrom shall be exempt from all taxation within the state.

§13-219 Same; Sale; Price. 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.

§13-220 Same; Proceeds of Bonds. The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects for which the bonds were issued, and unless otherwise provided in the resolution authorizing the issuance of the bonds or in any trust indenture, additional bonds may in like manner be issued to provide the amount of any deficit which, unless otherwise provided in the resolution authorizing the issuance of the bonds or in any trust indenture, shall be deemed to be of the same issued and shall

be entitled to be paid from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be used for paying the principal of and the interest on such bonds.

§13-221 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.

§13-222 Same; Replacement of Lost or Mutilated Bonds. The authority may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost.

§13-223 Same; Conditions Precedent to Issuance; Object of 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. In the discretion of the authority, revenue bonds of a single issue may be issued for the purpose of any particular project of the authority. 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, special or adjourned meeting of the authority.

§13-224 Same; Credit Not Pledged. Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of the State of Georgia, Chatham County, or any municipality served by the authority, nor a pledge of the faith and credit of the said state, county, or municipality, 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 said state, county, or municipality 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 covering substantially the foregoing provisions of this section.

§13-225 Same; Trust Indenture as Security. In the discretion of the authority, any issue of 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 inside or outside of the state having trust powers. Such trust

indentures may pledge or assign fees, tolls, charges, revenues, and earnings to be received by the authority. 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 moneys, 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 satisfactory to the original purchasers of the bonds issued therefor and may also require that the security given by contractor and by any depository of the proceeds of the bonds or revenues or other moneys be satisfactory to such purchasers, 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 private 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.

§13-226 Same; to Whom Proceeds of Bonds Shall Be Paid. The authority shall, in the resolution providing for the issuance of revenue bonds or in any 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.

§13-227 Same; Sinking Fund. The revenue, fees, tolls, charges, and earnings derived from any particular project or projects, regardless of whether or not such fees, tolls, charges, earnings, and revenues were produced by a particular project for which bonds have been issued, unless otherwise pledged

and allocated together with any grant funds, may be pledged and allocated by the authority to the payment of the principal of and interest on revenue bonds of the authority as the resolution authorizing the issuance of 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 payments of (1) the interest on such revenue bonds as such interest shall fall due, (2) the principal of the bonds as the same shall fall due, (3) the necessary charges of any transfer, registrar, or paying agent for the bonds, and (4) any premium upon bonds retired by call or purchase as hereinabove provided. 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 any trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund 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 any trust indenture, surplus moneys 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 canceled and shall not again be issued.

§13-228 Same; Remedies of Bondholders. Any holders 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 any 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 under this Act 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.

§13-229 Same; Refunding Bonds. The authority is authorized to provide by resolution for the issuance of refunding bonds of the authority for the purpose of refunding any revenue bonds issued under the provisions of this Act and then outstanding, together with accrued interest thereon and to refund any revenue bonds issued by any city, county, or authority with

respect to any facilities to be acquired by the authority from any such city, county, or authority. The issuance of such revenue refunding bonds, and 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.

§13-230 Same; 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 Chatham 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.

§13-231 Same; Validation. Bonds of the authority shall be confirmed and validated in accordance with the procedures of the Revenue Bond Law, as now or hereafter amended. The petition for validation shall also make party defendant to such action any municipality, county, authority, subdivision, or instrumentality of the State of Georgia or any other party which has contracted with the authority to furnish or receive the services and facilities of the project for which bonds are to be issued and sought to be validated and such municipality, county, authority, subdivision, or instrumentality or other party shall be required to show cause, if any exists, 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 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, against the authority, subdivision, instrumentality, or other party contracting with the said authority.

§13-232 Same; 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 interests 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. 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.

§13-233 Construction Contracts. All construction contracts and all contracts for the purchase of supplies, equipment, and services shall be awarded in accordance with policies and procedures established by the authority.

§13-234 Rates. The authority is authorized to prescribe and fix and collect fares, rates, fees, tolls, or charges and to revise from time to time and collect such fares, rates, fees, tolls, or charges for the transportation services and facilities furnished.

§13-235 Exemption from Taxation. The authority shall be exempt from payment of all taxes and assessments, ad valorem, sales, use, income, and others, imposed by the State of Georgia or by any of its subdivisions or taxing districts upon any property, real and personal, acquired or owned by the authority or under its jurisdiction, control, possession, or supervision, and upon its activities in the operation and maintenance of any such properties, and on the income derived by the authority from the operation of said transit system or otherwise. The bonds of the authority, their transfer and the income therefrom, shall be exempted from taxation by the state or any of its subdivisions or taxing districts.

§13-236 Exemption from Rules. The authority shall be exempt from the rules and regulations of the Georgia Public Service Commission and the Public Service Commission shall not be responsible for regulating the operations of the authority.

§13-237 Transfer of Assets and Liabilities. Upon the adoption of a resolution for such purpose by the authority and at the time specified by such resolution, all property, both real and personal, and all other assets and liabilities including, but not limited to, all agreements, rights, interests, grants and leases of the Savannah Transit Authority shall be transferred to the Chatham Area Transit Authority, except that any debts still outstanding as being owed to Chatham County or any municipality in Chatham County shall be subject to such modification or cancellation as may be mutually agreeable to the Chatham Area Transit Authority and such county or municipality.

§13-238 Construction. This Act being necessary for the welfare of the state and its inhabitants shall be liberally construed to effect the purposes of this Act; and the specific powers, authority, and immunities granted by this Act are to be construed as an illustration of and not as a limitation of,

the general powers, authorities, and immunities granted by this Act.

§13-239 Severability. The provisions of this Act are severable and if any of its provision shall be held unconstitutional by any court of competent jurisdiction the decision of such court shall not affect or impair any of the remaining provisions; and notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of such provision to person or circumstances other than those as to which it is held invalid, shall not be affected thereby. Insofar as the provisions of this Act are inconsistent with the provision of any other law, the provisions of this Act shall be controlling.

§13-240 Effective Date. This Act shall become effective on January 1, 1987, provided, however, that this Act shall not become effective until a special district for transit services has been created by the Board of Commissioners of Chatham County as provided for in Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia.

§13-241 Repeal Of Act. Upon the adoption of the resolution specified by Section 13-237 of this Act and at the time specified by said resolution for the transfer of the assets and liabilities of the Savannah Transit Authority to the Chatham Area Transit Authority created by this Act, the Act known as the "Savannah Transit Authority Act of 1960," approved March 17, 1960 (Ga. L. 1960, p. 2620), as amended, shall stand repealed in its entirety and shall no longer have any force and effect.

§13-242 Conflicting Laws Repealed. All laws and parts of laws in conflict with this Act are repealed. (1986 Ga. Laws 5083).

ARTICLE III

Creation of a Special District for Transit Service

An ordinance to create a Special District for Transit Service pursuant to GA. Laws, 1986, page 5315 and as provided for in Article IX, Sec. II, Paragraph VI of the Constitution of the State of Georgia, consisting of the area described herein, lying wholly within Chatham County; to provide for the taxation of the residents and taxpayers of property located within the Special District for Transit Services; to repeal conflicting ordinances and for other purposes.

§13-301 Creation of District and Boundaries.

1. The following described area within Chatham County, Georgia, is hereby declared to be a Special Service District to be known as the Special Service District for Transit Services, and the boundaries of said district shall be all property lying within the following described area:

NOTE: Where a feature such as a road or waterway is used, all references to such feature mean the centerline unless otherwise specifically so stated.

Beginning at the intersection of Ogeechee Road (U.S. Highway 17 South) and Salt Creek; thence in a northerly direction along Salt Creek to its intersection with the northern right-of-way line of U.S. Interstate Highway 16 (said point also being on the city limits of the City of Savannah); thence in an easterly direction along the Savannah city limits to its junction with the Garden City limits; thence in a northwesterly direction along the Garden City limits to its intersection with U.S. Highway 17 North; thence in a southeasterly direction along U.S. Highway 17 North to its intersection with the extension of the northwestern property line of Parcel 1-603-1-1 as shown on Chatham County Tax Maps numbered 604, 605, 625; thence in a northeasterly direction along said property line to its intersection with the main channel of the Savannah River; thence in a southerly direction along the main channel of the Savannah River to its intersection with the South Channel of the Savannah River at Elba Island; thence in a southeasterly direction along the South Channel of the Savannah River to its intersection with the Wilmington River; thence in a southerly direction along the Wilmington River to its intersection with the Thunderbolt city limits; thence west along the Thunderbolt city limits back to its intersection with the Wilmington River; thence in an easterly direction along the Wilmington River to its intersection with

the Skidaway River; thence in a southerly direction along the Skidaway River to its intersection with the Burnside River; thence in a southerly direction along the Burnside River to its intersection with the Vernon River; thence in a southeasterly direction along the Vernon River to its intersection with Little Ogeechee River; thence in a westerly direction along Little Ogeechee River to its intersection with Salt Creek; thence in a northerly direction along Salt Creek to its intersection with Ogeechee Road (U.S. Highway 17 South) said point being the point of beginning.

2. Beginning at the intersection of the Garden City limits and the southern right-of-way line of the S.C.L. Railroad tracks at a point approximately 380 feet north of the intersection of the City Limits with the centerline of Nelson Avenues; thence in a southerly direction along the Garden City limits to a point on the northern right-of-way line of the Central of Georgia tracks at a point approximately 1,240 feet south of Alfred Street; thence in a westerly direction along the northern right-of-way line of the Central of Georgia Railroad tracks to its intersection with the Garden City limits at a point lying approximately 150 feet west of the U.S. Highway 80 viaduct; thence in a northwesterly direction along the Garden City limits for a distance of approximately 3,900 feet to a point; thence in an easterly direction along a line perpendicular to the Garden City limits at this point for a distance of approximately 600 feet to its intersection with the eastern right-of-way line of the S.C.L. Railroad tracks; thence in a northerly then northeasterly direction along the eastern right-of-way line of the S.C.L. Railroad tracks to its intersection with the Garden City limits, said point being the point of beginning. (Adopted 11/21/86)

§13-302 Taxation. The Commissioners of Chatham County, Georgia, pursuant to the authority granted by GA. Laws, 1986, page 5315 and as provided for in Article IX, Section II, Paragraph VI of the Constitution of the State of Georgia, may levy ad valorem taxes for the provision of the services to be rendered in the Special District for Transit Services. Said taxes shall be used to pay, wholly or partially, the cost of providing transit services in the Special District and shall not be used for services provided outside said district. All such ad valorem taxes shall be collected in the same manner and at the time as other County ad valorem taxes. The amount to be provided for transit services from the Special District shall be placed and designated in the annual county budget and voted upon by the Commissioners as other expenditures are voted.

§13-303 Severability. The provisions of this Ordinance are severable. If any part of this Ordinance is declared unconstitutional, illegal, or void it shall not affect or impair any of the remaining parts of this Ordinance.

§13-304 Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

§13-305 Effective Date. This Ordinance shall become effective December 31, 1986. Adopted this 8th day of August, 1986.