

1 HB585  
2 184949-1  
3 By Representatives Baker and Jones (N & P)  
4 RFD: Local Legislation  
5 First Read: 03-MAY-17

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to the Brewton Development Authority; to  
14 amend Sections 45-27A-31, 45-27A-31.01, and 45-27A-31.08, Code  
15 of Alabama 1975, to further provide for the operation of the  
16 authority and to delete certain provisions limiting operations  
17 to the central business district and industrial park.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 45-27A-31, 45-27A-31.01, and  
20 45-27A-31.08, Code of Alabama 1975, are amended to read as  
21 follows:

22 "§45-27A-31.

23 "The revitalization and redevelopment of the ~~central~~  
24 ~~business district of the City of Brewton and the economic~~  
25 ~~development of an industrial park for the city develops and~~  
26 ~~promotes for develop and promote the public good and general~~  
27 welfare trade, commerce, industry, and employment

1 opportunities and ~~promotes~~ promote the general welfare of the  
2 city and state by creating a climate favorable to the location  
3 of new industry, trade, and commerce, and the development of  
4 existing industry, trade, and commerce. Revitalization and  
5 redevelopment ~~of such central business district~~ and the  
6 ~~industrial~~ economic development ~~area~~ of the city by financing  
7 projects under this part will develop and promote for the  
8 public good and general welfare trade, commerce, industry, and  
9 employment opportunities and will promote the general welfare  
10 of the city and state. It is therefore in the public interest  
11 and is vital to the public welfare of the people of Brewton  
12 and of Alabama, and it is hereby declared to be the public  
13 purpose of this part to so revitalize and redevelop the city  
14 ~~the central business district~~ and ~~develop the industrial park~~  
15 provide for the economic development of the City of Brewton.

16 "§45-27A-31.01.

17 "The following words and phrases used in this part,  
18 and others evidently intended as the equivalent thereof,  
19 shall, in the absence of clear implication herein otherwise,  
20 be given the following respective interpretations herein:

21 "(1) APPLICANT. A natural person who files a written  
22 application with the governing body of the city in accordance  
23 with the provisions of Section 45-27A-31.06.

24 "(2) AUTHORITY. The Brewton Development Authority, a  
25 public corporation organized pursuant to this part.

26 "(3) AUTHORIZING RESOLUTION. A resolution adopted by  
27 the governing body of the city in accordance with Section

1 45-27A-31.03, that authorizes the incorporation of the  
2 authority.

3 "(4) BOARD. The board of directors of the authority.

4 "(5) BONDS. Includes bonds, notes, and certificates  
5 representing an obligation to pay money.

6 "(6) CITY. The City of Brewton, Alabama.

7 "(7) DIRECTOR. A member of the board of the  
8 authority.

9 ~~"(8) DOWNTOWN DEVELOPMENT AREA. The central business~~  
10 ~~district of the city as described in subsection (b) of Section~~  
11 ~~45-27A-31.08.~~

12 ~~"(9)~~ (8) GOVERNING BODY. With respect to the city,  
13 its city council, board of commissioners, or other like  
14 governing body.

15 ~~"(10)~~ (9) INCORPORATORS. The persons forming a public  
16 corporation organized pursuant to this part.

17 ~~"(11) INDUSTRIAL DEVELOPMENT PARK. The area~~  
18 ~~designated as such by the Mayor and City Council of the City~~  
19 ~~of Brewton, Alabama.~~

20 ~~"(12)~~ (10) PERSON. Unless limited to a natural person  
21 by the context in which it is used, includes a public or  
22 private corporation, a municipality, a county, or an agency,  
23 department, or instrumentality of the state, or of a county or  
24 municipality.

25 ~~"(13)~~ (11) PRINCIPAL OFFICE. The place at which the  
26 certificate of incorporation and amendments thereto, the

1 bylaws, and the minutes of the proceedings of the board of the  
2 authority are kept.

3 "~~(14)~~ (12) PROJECT. Interests in land, buildings,  
4 structures, facilities, or other improvements ~~located or to be~~  
5 ~~located within the downtown development area and industrial~~  
6 ~~development area~~ and any fixtures, machinery, equipment,  
7 furniture, or other property of any nature whatsoever used on,  
8 in, or in connection with any such land, interest in land,  
9 building, structure, facility, or other improvement, all for  
10 the essential public purpose of the development of trade,  
11 commerce, industry, and employment opportunities in the  
12 ~~downtown development area and industrial development area~~  
13 city. A project may be for any industrial, commercial,  
14 business, office, parking, utility, residential, including  
15 without limitation homes, apartments, townhouses,  
16 condominiums, hotels, and motels, or other use, provided that  
17 a majority of the members of the authority determine, by a  
18 resolution duly adopted, that the project and such use thereof  
19 would further the public purpose of this part.

20 "~~(15)~~ (13) STATE. The State of Alabama.

21 "§45-27A-31.08.

22 "~~(a)~~ The authority shall have all of the following  
23 powers, together with all powers incidental thereto or  
24 necessary to the discharge thereof in corporate form:

25 "(1) To have succession by its corporate name for  
26 the duration of time, which may be perpetuity, subject to

1 Section 45-27A-31.19, specified in its certificate of  
2 incorporation.

3 "(2) To sue and be sued in its own name and to  
4 prosecute and defend civil actions in any court having  
5 jurisdiction of the subject matter and of the parties.

6 "(3) To adopt and make use of a corporate seal and  
7 to alter the same at pleasure.

8 "(4) To adopt and alter bylaws for the regulation  
9 and conduct of its affairs and business.

10 "(5) To acquire, whether by purchase, construction,  
11 exchange, gift, lease, or otherwise and to refinance existing  
12 indebtedness on, improve, maintain, equip, and furnish one or  
13 more projects, including all real and personal properties  
14 which the board of the authority may deem necessary in  
15 connection therewith, regardless of whether or not any such  
16 projects shall then be in existence.

17 "(6) To lease to others any or all of its projects  
18 and to charge and collect rent therefor, and to terminate any  
19 such lease upon the failure of the lessee to comply with any  
20 of the obligations thereof.

21 "(7) To sell, exchange, donate, or convey and to  
22 grant options to any lessee to acquire any of its projects and  
23 any or all of its properties whenever its board shall find any  
24 such action to be in furtherance of the purposes for which the  
25 authority was organized.

26 "(8) To issue its bonds for the purpose of carrying  
27 out any of its powers.

1           "(9) To mortgage and pledge any or all of its  
2 projects or any part or parts thereof, as security for the  
3 payment of the principal of and interest on any bonds so  
4 issued and any agreements made in connection therewith,  
5 whether then owned or thereafter acquired, and to pledge the  
6 revenues and receipts therefrom or from any thereof.

7           "(10) To execute and deliver, in accordance with  
8 this section and Section 45-27A-31.09, mortgages and deeds of  
9 trust and trust indentures, or either.

10           "(11) To finance, by loan, grant, lease, or  
11 otherwise, construct, erect, assemble, purchase, acquire, own,  
12 repair, remodel, renovate, rehabilitate, modify, maintain,  
13 extend, improve, install, sell, equip, expand, add to,  
14 operate, or manage projects and to pay the cost of any project  
15 from the proceeds of bonds, or any other funds of the  
16 authority, or from any contributions or loans by persons,  
17 corporations, partnerships, limited or general, or other  
18 entities, all of which the authority is hereby authorized to  
19 receive and accept and use.

20           "(12) To issue and use the proceeds thereof for the  
21 purpose of paying, or loaning the proceeds thereof to pay all  
22 or any part of the cost of any project and otherwise to  
23 further or carry out the public purpose of the authority and  
24 to pay all costs of the authority incident to, or necessary  
25 and appropriate to, furthering or carrying out such purpose.

26           "(13) To make application directly or indirectly to  
27 any federal, state, county, or municipal government or agency

1 or to any other source, public or private, for loans, grants,  
2 guarantees, or other financial assistance in furtherance of  
3 the authority's public purpose and to accept and use the same  
4 upon such terms and conditions as are prescribed by such  
5 federal, state, county, or municipal government or agency or  
6 other source.

7 "(14) To enter into agreements with the federal  
8 government or any agency thereof to use the facilities or the  
9 services of the federal government or any agency thereof in  
10 order to further or carry out the public purposes of the  
11 authority.

12 "(15) To contract for any period with the State of  
13 Alabama, state institutions, or any city, town, municipality,  
14 or county of the state for the use by the authority of any  
15 facilities or services of the state or any such state  
16 institution, city, town, municipality, or county, or for the  
17 use by any state institution or any city, town, municipality,  
18 or county of any facilities or services of the authority,  
19 provided such contracts shall deal with such activities and  
20 transactions as the authority and any such political  
21 subdivision with which the authority contracts are by law  
22 authorized to undertake.

23 "(16) To extend credit or make loans to any person,  
24 corporation, partnership, limited or general, or other entity  
25 for the costs of any project or any part of the costs of any  
26 project, which credit or loans may be evidenced or secured by  
27 loan agreements, notes, mortgages, deeds to secure debt, trust



1 deeds, security agreements, assignments, or such other  
2 instruments, or by rentals, revenues, fees, or charges, upon  
3 such terms and conditions as the authority shall determine to  
4 be reasonable in connection with such extension of credit or  
5 loans, including provision for the establishment and  
6 maintenance of reserve funds, and, in the exercise of powers  
7 granted hereby in connection with any project, the authority  
8 shall have the right and power to require the inclusion in any  
9 such loan agreement, note, mortgage, deed to secure debt,  
10 trust deed, security agreement, assignment, or other  
11 instrument of such provisions or requirements for guaranty of  
12 any obligations, insurance, construction, use, operation,  
13 maintenance, and financing of a project, and such other terms  
14 and conditions, as the authority may deem necessary or  
15 desirable.

16 "(17) To acquire, accept, or retain equitable  
17 interests, security interests, or other interests in any real  
18 property, personal property, or fixtures by loan agreement,  
19 note, mortgage, deed to secure debt, trust deed, security  
20 agreement, assignment, pledge, conveyance, contract, lien,  
21 loan agreement, or other consensual transfer in order to  
22 secure the repayment of any monies loaned or credit extended  
23 by the authority.

24 "(18) To appoint, employ, contract with, and provide  
25 for the compensation of, such officers, employees, and agents,  
26 including but without limitation to engineers, attorneys,  
27 contractors, consultants, and fiscal advisors, as the board

1 shall deem necessary for the conduct of the business of the  
2 authority.

3 "(19) To provide for such insurance as the board may  
4 deem advisable.

5 "(20) To make, enter into, and execute such  
6 contracts, agreements, leases, and other instruments and to  
7 take such other actions as may be necessary or convenient to  
8 accomplish any purpose for which the authority was organized  
9 or to exercise any power expressly granted hereunder.

10 "(21) To require payments in lieu of taxes to be  
11 made by the lessee of the project to either the authority or  
12 the city.

13 "(22) To receive and use the proceeds of any tax  
14 levied by a municipal corporation to pay the costs of any  
15 project or for any other purpose for which the authority may  
16 use its own funds pursuant to this part.

17 "(23) To encourage and promote the improvement and  
18 revitalization of ~~the downtown development~~ any area of the  
19 city and to make, contract for, or otherwise cause to be made  
20 long-range plans or proposals for ~~the downtown~~ development  
21 ~~area~~ in cooperation with the city or Escambia County; and to  
22 assist in the economic development of ~~an industrial park area~~  
23 the city.

24 "(24) To exercise any power granted by the laws of  
25 the State of Alabama to public or private corporations which  
26 is not in conflict with the public purpose of the authority.

1                   "(25) To do all things necessary or convenient to  
2 carry out the powers conferred by this part.

3                   "~~(b) All projects of the authority shall be located~~  
4 ~~wholly within the corporate limits of the city and shall be in~~  
5 ~~the downtown development area, and the industrial development~~  
6 ~~park area."~~

7                   Section 2. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.