

1 HB448
2 209211-1
3 By Representatives Clarke, Drummond, Bracy, Gaston, Jones (S),
4 Simpson, Pringle, Brown (C), Wilcox and Stringer (N & P)
5 RFD: Mobile County Legislation
6 First Read: 24-FEB-21

A BILL
TO BE ENTITLED
AN ACT

Relating to Class 2 municipalities; to provide a method of incorporation for an Africatown Redevelopment Corporation; to provide for the powers and duties of the corporation; and to provide for the composition of a board of directors.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only to a Class 2 municipality.

Section 2. For purposes of this act, the "Africatown Historic District" means all portions of that area designated as the Africatown Historic District on the National Register of Historic Places lying within the corporate limits of a Class 2 municipality.

Section 3. (a) There is hereby created the Africatown Redevelopment Corporation.

1 (b) The purpose of the corporation shall be the
2 revitalization of housing, preservation of history, and
3 attraction and development of commerce in the area known as
4 the Africatown Historic District.

5 (c) All corporate powers of the corporation shall be
6 exercised by or under authority of, and all the business and
7 affairs of the corporation shall be managed under, a board of
8 directors, which shall consist of the following:

9 (1) Two appointees by the city council member
10 representing the district that, on the date of appointment,
11 includes a majority of the territory within the Africatown
12 Historic District. One appointee shall be an expert in real
13 estate development, and the other appointee shall be an expert
14 in historic preservation.

15 (2) Two appointees by the mayor of the Class 2
16 municipality. One appointee shall be an expert in city
17 planning and neighborhood revitalization, and the other
18 appointee shall be an expert in banking and finance.

19 (3) One appointee by the county commissioner
20 representing the district that, on the date of appointment,
21 includes a majority of the territory within the Africatown
22 Historic District. The appointee shall be an expert in
23 economic development.

24 (4) One appointee by the member of the Alabama House
25 of Representatives representing the district that, on the date
26 of appointment, includes a majority of the territory within
27 the Africatown Historic District.

1 (5) One appointee by the member of the Alabama
2 Senate representing the district that, on the date of
3 appointment, includes a majority of the territory within the
4 Africatown Historic District.

5 (6) One resident of the Africatown Historic
6 District, appointed by The Clotilda Descendants' Association.

7 (7) One resident of the Africatown Historic
8 District, appointed by the Africatown Heritage Preservation
9 Foundation.

10 (d) (1) The appointing authorities shall make their
11 initial appointments no later than 30 days following the
12 effective date of this act.

13 (2) The appointing authorities shall ensure that
14 their appointments reflect the racial, gender, geographic, and
15 economic diversity of the Africatown Historic District.

16 (e) (1) a. Except as provided in subdivision (2), each
17 member of the board of directors shall serve for a term of two
18 years and shall serve until a successor is appointed.

19 b. In the event of any vacancy, a successor shall be
20 appointed in the same manner as the seat was previously
21 filled, and the appointee shall serve for the remainder of the
22 term for the seat that was vacated.

23 (2) a. Each of the following members of the board of
24 directors appointed prior to the first meeting of the board
25 shall serve for an initial term of two years:

1 1. The member appointed by the mayor of the Class 2
2 municipality who is an expert in city planning and
3 neighborhood revitalization.

4 2. The member appointed by the city council member
5 who is an expert in historic preservation.

6 3. The member appointed by the county commissioner
7 who is an expert in economic development.

8 4. The member appointed by The Clotilda Descendants'
9 Association.

10 5. The member appointed by the member of the Alabama
11 Senate.

12 b. Each of the following members of the board of
13 directors appointed prior to the first meeting of the board
14 shall serve for an initial term of one year:

15 1. The member appointed by the mayor of the Class 2
16 municipality who is an expert in banking and finance.

17 2. The member appointed by the city council member
18 who is an expert in real estate development.

19 3. The member appointed by the Africatown Heritage
20 Preservation Foundation.

21 4. The member appointed by the member of the Alabama
22 House of Representatives.

23 (f) (1) The board of directors shall have its first
24 meeting at a time and place designated by the member of the
25 Alabama House of Representatives representing the district
26 that includes the Africatown Historic District on the
27 effective date of this act.

1 (2) At the first meeting, the board shall elect a
2 chair and vice-chair. Thereafter, a new chair and vice-chair
3 shall be elected at the first meeting of each calendar year.

4 (g) No later than three days after the first meeting
5 of the board, the board shall act as incorporators of the
6 corporation by signing the certificate of incorporation and
7 delivering the same to the Secretary of State for filing. The
8 certificate of incorporation shall state all of the following:

9 (1) The names of the individuals forming the
10 corporation, and that each of them is a resident of the
11 municipality.

12 (2) The name of the corporation, which shall be the
13 "Africatown Redevelopment Corporation."

14 (3) The period for the duration of the corporation.
15 If the duration is to be perpetual, that fact shall be stated.

16 (4) The name of the municipality.

17 (5) The location of the principal office of the
18 corporation, which shall be within the Africatown Historic
19 District.

20 (6) That the corporation is organized pursuant to
21 this act.

22 (7) Any other matters relating to the corporation
23 that the incorporators may choose to insert and that are not
24 inconsistent with this act or the laws of the State.

25 (h) Upon filing of the certificate of incorporation,
26 the corporate existence shall begin.

1 (i) Members of the board of directors shall be
2 immune from civil liability for actions taken in the conduct
3 of their duties, and shall not be liable for the obligations
4 of the corporation.

5 (j) The corporation may adopt, amend, or repeal
6 bylaws to govern the operations of the corporation. The bylaws
7 shall be consistent with this act and the laws of the State.

8 Section 4. The corporation may do the following,
9 with or without public hearing, within the Africatown area:

10 (1) Acquire by purchase, rent, lease agreement, or
11 otherwise, necessary facilities and to provide those
12 facilities with necessary equipment, furnishings, landscaping,
13 and related facilities, including parking areas and ramps,
14 roadways, sewers, curbs, and gutters.

15 (2) Finance, by loan, grant, lease, or otherwise,
16 construct, erect, assemble, purchase, acquire, own, repair,
17 remodel, renovate, rehabilitate, modify, maintain, extend,
18 improve, install, sell, equip, expand, add to, operate, or
19 manage property, and to pay the cost of any such project from
20 the proceeds of bonds, or any other funds of the corporation,
21 or from any contributions or loans by persons, corporations,
22 partnerships, limited or general, or other entities, all of
23 which the corporation is hereby authorized to receive and
24 accept and use.

25 (3) Execute and deliver mortgages and deeds of trust
26 and trust indentures, or either.

1 (4) Enter into contracts and cooperative agreements
2 with and, directly or indirectly, borrow money or accept
3 grants from the local, state, and federal governments,
4 agencies of the governments, private individuals,
5 corporations, associations, and other organizations as the
6 corporation may deem necessary or convenient to carry out the
7 purposes of this act.

8 (5) Borrow money and issue bonds in evidence
9 thereof, as necessary to perform its duties under this act.

10 (6) Mortgage and pledge any or all of its property
11 or any part or parts thereof, as security for the payment of
12 the principal of and interest on any bonds so issued and any
13 agreements made in connection therewith, whether then owned or
14 thereafter acquired, and to pledge the revenues and receipts
15 therefrom or from any thereof.

16 (7) Accept public or private gifts, grants, and
17 donations.

18 (8) Acquire property by purchase, lease, or gift.

19 (9) Sell, convey, transfer, lease, or donate any
20 property, franchise, grant, easement, license, or lease or
21 interest therein which it may own and transfer, assign, sell,
22 convey, or donate any right, title, or interest which it may
23 have in any lease, contract, agreement, license, or property.

24 (10) Employ personnel as may be necessary or
25 convenient to accomplish the purposes of this act. The
26 personnel employed by the corporation shall serve at the
27 pleasure of the board of directors. The board of directors

1 shall fix the compensation of the personnel and the
2 compensation shall be paid from any funds of the corporation.
3 The board of directors shall designate the duties of the
4 personnel.

5 (11) Perform other acts necessary or incidental to
6 the accomplishment of the purposes of this act, and other
7 acts, including, but not limited to, the employment of legal
8 and accounting assistance, whether or not the acts are
9 specifically authorized by this act, and provided that the
10 acts are not otherwise prohibited by law.

11 Section 5. (a) The state or any political
12 subdivision shall not in any event be liable for the payment
13 of the principal of or interest on any bonds of the
14 corporation or for the performance of any pledge, mortgage,
15 obligation, or agreement of any kind whatsoever which may be
16 undertaken by the corporation, and none of the bonds of the
17 corporation or any of its agreements or obligations shall be
18 construed to constitute an indebtedness of the state or any
19 political subdivision within the meaning of any constitutional
20 or statutory provision whatsoever.

21 (b) The corporation and the property and income of
22 the corporation, whether used by it or leased to others; all
23 bonds issued by the corporation, whether used by it or leased
24 to others; all bonds issued by the corporation; the income
25 from those bonds or from any other sources; the interest and
26 other profits from such bonds enuring to and received by the
27 holders thereof; conveyances by and to the corporation; and

1 leases, mortgages, and deeds of trust by and to the
2 corporation shall be exempt from all taxation in the state.

3 (c) The corporation shall be exempt from all laws of
4 the state requiring competitive bids for contracts to be
5 entered into by municipalities or public corporations.

6 Section 6. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.