

1 HB448  
2 209211-2  
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

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ENROLLED, 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.

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

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

1           (1) Two appointees by the city council member  
2 representing the district that, on the date of appointment,  
3 includes a majority of the territory within the Africatown  
4 Historic District. One appointee shall be an expert in real  
5 estate development, and the other appointee shall be an expert  
6 in historic preservation.

7           (2) Two appointees by the mayor of the Class 2  
8 municipality. One appointee shall be an expert in city  
9 planning and neighborhood revitalization, and the other  
10 appointee shall be an expert in banking and finance.

11           (3) One appointee by the county commissioner  
12 representing the district that, on the date of appointment,  
13 includes a majority of the territory within the Africatown  
14 Historic District. The appointee shall be an expert in  
15 economic development.

16           (4) One appointee by the member of the Alabama House  
17 of Representatives representing the district that, on the date  
18 of appointment, includes a majority of the territory within  
19 the Africatown Historic District.

20           (5) One appointee by the member of the Alabama  
21 Senate representing the district that, on the date of  
22 appointment, includes a majority of the territory within the  
23 Africatown Historic District.

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

1           (7) One resident of the Africatown Historic  
2 District, appointed by the Africatown Heritage Preservation  
3 Foundation.

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

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

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

13           b. In the event of any vacancy, a successor shall be  
14 appointed in the same manner as the seat was previously  
15 filled, and the appointee shall serve for the remainder of the  
16 term for the seat that was vacated.

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

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

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

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

3           4. The member appointed by The Clotilda Descendants'  
4 Association.

5           5. The member appointed by the member of the Alabama  
6 Senate.

7           b. Each of the following members of the board of  
8 directors appointed prior to the first meeting of the board  
9 shall serve for an initial term of one year:

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

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

14           3. The member appointed by the Africatown Heritage  
15 Preservation Foundation.

16           4. The member appointed by the member of the Alabama  
17 House of Representatives.

18           (f) (1) The board of directors shall have its first  
19 meeting at a time and place designated by the member of the  
20 Alabama House of Representatives representing the district  
21 that includes the Africatown Historic District on the  
22 effective date of this act.

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

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

6           (1) The names of the individuals forming the  
7 corporation, and that each of them is a resident of the  
8 municipality.

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

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

13           (4) The name of the municipality.

14           (5) The location of the principal office of the  
15 corporation, which shall be within the Africatown Historic  
16 District.

17           (6) That the corporation is organized pursuant to  
18 this act.

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

22           (h) Upon filing of the certificate of incorporation,  
23 the corporate existence shall begin.

24           (i) Members of the board of directors shall be  
25 immune from civil liability for actions taken in the conduct

1 of their duties, and shall not be liable for the obligations  
2 of the corporation.

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

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

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

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

23 (3) Execute and deliver mortgages and deeds of trust  
24 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



1 personnel employed by the corporation shall serve at the  
 2 pleasure of the board of directors. The board of directors  
 3 shall fix the compensation of the personnel and the  
 4 compensation shall be paid from any funds of the corporation.  
 5 The board of directors shall designate the duties of the  
 6 personnel.

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

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

23 (b) The corporation and the property and income of  
 24 the corporation, whether used by it or leased to others; all  
 25 bonds issued by the corporation, whether used by it or leased

1 to others; all bonds issued by the corporation; the income  
2 from those bonds or from any other sources; the interest and  
3 other profits from such bonds enuring to and received by the  
4 holders thereof; conveyances by and to the corporation; and  
5 leases, mortgages, and deeds of trust by and to the  
6 corporation shall be exempt from all taxation in the state.

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

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

