

**BYLAWS**  
**OF THE**  
**STATE PROPERTIES COMMISSION**

**I**

**MEMBERS OF THE COMMISSION & OFFICERS**

The State Properties Commission shall consist of seven members and be composed of the Governor; the Secretary of State; the State Accounting Officer; the director of Treasury and Fiscal Services; one citizen member appointed by the Governor; one citizen member appointed by the Speaker of the House of Representatives; and one citizen member appointed by the Lieutenant Governor. The terms of office of the appointed members shall end on April 1<sup>st</sup> in each odd numbered year, and shall continue until their successors are duly appointed and qualified.

The Governor shall be the Chairperson of the Commission, the State Accounting Officer shall be the Vice-Chairperson, and the Secretary of State shall be its Secretary.

**II**

**MEETINGS-HOW CALLED**

The Commission shall meet as its business requires on the call of the Chairperson, the Vice-Chairperson or any two members of the Commission, as provided by law. Such meetings shall be at such time and place as shall have been designated by the Chairperson.

**III**

**DUTIES OF CHAIRPERSON**

It shall be the duty of the Chairperson, or the Vice-Chairperson, to preside at all meetings of the Commission; to procure at all times the correct meaning and sense of the Commission; and to direct the business of the Commission when it is not in session.

The Chairperson shall be the chief executive officer of the Commission; shall, through its Executive Director or his or her successor, conduct its correspondence; see that all orders and rules of the Commission are duly carried into effect, and that all Commission employees perform their duties as required by said orders and rules and as required by law. Press releases and public announcements concerning the work of the Commission shall be issued only by or with the approval of the Chairperson.

The Chairperson shall execute, as provided in the State Properties Code, all leases or contracts for the sale of real property entered into by the Commission, or any deeds of sale of real property as hereinafter provided.

The Chairperson, or Executive Director, will report to the Commission so far as needful and reasonable what has been done during intervals between meetings, and also any new matters with his recommendations touching the same but reserving for action of the Commission all new matters.

#### IV

#### DELEGATION OF AUTHORITY IN ABSENCE OF CHAIRPERSON

The Vice-Chairperson of the Commission shall act in the absence or inability of the Chairperson except that the Vice-Chairperson does not have the authority to execute deeds. The Vice-Chairperson may execute any contract, including a lease, provided that such contract or the transaction which is the subject thereof has received the prior approval of the Commission at a called meeting.

#### V

#### EXECUTIVE DIRECTOR

The Governor shall appoint a State Property Officer who shall serve as the Executive Director of the Commission.

The Executive Director shall give to each member necessary notices of meetings, as provided for in Bylaw VII. It shall also be the duty of the Executive Director to keep the minutes of Commission meetings, to record all votes of the Commission, and to provide for the safekeeping of all records of the Commission. It shall also be the duty of the Executive Director of the Commission to certify to the appropriate state official for payment all claims of members of the Commission for compensation and traveling and other expenses as may be allowable under OCGA 50-16-32e. The Executive Director may grant a revocable license, as that term is defined in OCGA 50-16-31(10), without the prior approval of the Commission only as follows: a) the purpose of the revocable license shall be for either public use, or public benefit; or b) a permanent easement over the property which is the subject of the revocable license will not be necessary, and the term of the revocable license will be less than 18 months. Pursuant to the space management responsibilities of the Commission provided in OCGA 50-16-41, the Executive Director, or his designee, may execute a lease for administrative space without the prior approval of the Commission when total contract value of the lease does not exceed \$1,000,000; "total contract value" means the sum of the annual base rent plus the potential base rent obligations of all renewal options. The Executive Director may also execute any contract, including a lease, provided that such contract or the transaction which is the subject thereof has received the prior approval of the Commission at a called meeting. The duties of the Executive Director as provided for in this Bylaw V may, at the discretion of the Chairperson, be delegated as determined to be in the best interest of the Commission.

#### VI

#### QUORUM VOTING

Four members of the Commission shall constitute a quorum. No vacancy on the Commission shall impair the right of the quorum to exercise all the powers and perform all the duties of the Commission. With the sole exception of acquisitions of real property, which acquisitions shall require four affirmative votes of the membership of the Commission present and voting at any meeting, and unless otherwise provided by law, the business, powers and duties of the Commission may be transacted, exercised and performed by a majority vote of the Commission members present and voting at a meeting when more than a quorum is present and voting or by a majority vote of a quorum when only a quorum is present and voting at a meeting. An abstention in voting shall be considered as that member not being present and not voting on the matter on which the vote is taken.

**VII**  
**NOTICES**

Notices of meetings of the Commission shall be sent, in writing addressed to each member of the Commission, by the Secretary of the Commission, or his or her designee, giving at least three days' prior notice of the time and place of each meeting. Such notice may be waived by the members upon receipt of telephone or personal notice.

**VIII**  
**STATE PROPERTIES CODE**

The powers and duties of the Commission are those set forth in title 50, chapter 16, article 2 entitled "State Properties Code", which section is incorporated by reference into these Bylaws.

**IX**  
**CONDUCT OF COMMISSION**

The Commission shall conduct its affairs in such manner as it may deem appropriate, consistent with these Bylaws and with the State Properties Code.

**X**  
**COMPETITIVE BIDDING PROCEDURES**

If and when competitive bidding procedures concerning leases and sales of any part of the property as defined in O.C.G.A. § 50-16-31 are to be followed, the procedures shall be those set forth in O.C.G.A. § 50-16-39, which section is incorporated by reference into these Bylaws.

**XI**  
**PROCEDURES WHEN COMPETITIVE BIDDING NOT REQUIRED**

In those instances in which competitive bidding for leases or sales may not be required, the Chairperson may, in his or her discretion, appoint not fewer than three members of the Commission as a committee to conduct negotiations on behalf of the Commission with any prospective lessee or lessees or buyer or buyers. Such committee appointees shall have no power to conclude any agreement with any interested and prospective lessee or lessees or buyer or buyers but shall recommend to the full Commission such action in respect of the matters at hand as they may deem appropriate, the full Commission to act thereon in accordance with the requirements of Georgia Code 50-16-32(B), and in accordance with Bylaw VI of these Bylaws.

The Commission, or those members designated by the Chairperson of the Commission, may confer with prospective lessees or buyers, receive proposals of lease or purchase, make proposals to lease or sell, and negotiate the terms of a lease or sale.

The negotiating conferences shall not be conducted as formal hearings, but rather as mutual discussion meetings so as to encourage complete and thorough discussion and careful consideration of any such proposals.

**XII**

**EMINENT DOMAIN**

The provisions of O.C.G.A. § 50-16-44 providing for the power of eminent domain acting for and on behalf and in the name of the State are incorporated by reference into these Bylaws.

**XIII**

**POWERS & DUTIES OF COMMISSION**

The provisions of O.C.G.A. § 50-16-34 (powers and duties of the State Properties Commission generally) and 50-16-34.1 (acquisition of property within abandoned railroad lines), specifically 50-16-34(17) providing for the staff of the Commission to perform acquisition record services for state entities, are incorporated by reference into these Bylaws.

**XIV**

**MINERAL LEASES**

The provisions of Georgia O.C.G.A. Code Section 50-16-43, providing for Mineral leases of State-owned lands, are incorporated by reference into these Bylaws.

**XV**

**AMENDMENT OF BY-LAWS**

These Bylaws may be altered or amended at any time by a vote of the majority of the Commission, provided notice of proposed alteration or amendment shall have been given at the last preceding regular meeting of the Commission. Or the same may be altered or amended at any regular meeting of a full Commission by unanimous vote without any previous notice.

**XVI**

**LEGAL COUNSEL**

The Attorney General of the State of Georgia shall be legal counsel for the Commission. The Attorney General, or such persons as may be so designated, shall represent the Commission in all legal matters.