

House Bill 654

By: Representatives Bannister of the 77<sup>th</sup>, Unterman of the 84<sup>th</sup>, Coleman of the 80<sup>th</sup>, Rice of the 79<sup>th</sup>, Callaway of the 81<sup>st</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the creation of one or more community improvement districts in Gwinnett  
2 County and in each municipality therein; to provide for a short title; to provide for the  
3 purposes of said districts; to provide for definitions; to provide for boards to administer said  
4 districts; to provide for the appointment and election of members of said boards; to provide  
5 for taxes, fees, and assessments; to provide for the boundaries of said districts; to provide for  
6 debt of said districts other than bonded indebtedness; to provide for cooperation with local  
7 governments; to provide for powers of said boards; to provide for construction; to provide  
8 that no notice, proceeding, publication, or referendum shall be required; to provide for  
9 dissolutions; to provide the procedures connected with all of the foregoing; to repeal  
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Short title.

14 This Act shall be referred to as the "Gwinnett County Community Improvement Districts  
15 Act."

**SECTION 2.**

Purpose.

18 The purpose of this Act shall be to provide for the creation of one or more community  
19 improvement districts within Gwinnett County and each municipality therein, and such  
20 districts shall be created for the provision of such of the following governmental services and  
21 facilities as may be provided for in the resolution activating each district created hereby, or  
22 as may be adopted by resolutions of the majority of the electors and the majority of the  
23 equity electors present and voting at a meeting of electors and equity electors. A quorum  
24 shall consist of those electors and equity electors present. No proxy votes may be cast.  
25 Notice of said meeting shall be given to said electors and equity electors by publishing notice

1 thereof in the legal organ of Gwinnett County at least once each week for four weeks prior  
2 to such meeting:

- 3 (1) Street and road construction and maintenance, including curbs, sidewalks, street  
4 lights, and devices to control the flow of traffic on streets and roads;
- 5 (2) Parks and recreational areas and facilities;
- 6 (3) Storm water and sewage collection and disposal systems;
- 7 (4) Development, storage, treatment, purification, and distribution of water;
- 8 (5) Public transportation, including, but not limited to, services intended to reduce the  
9 volume of automobile traffic, to transport two or more persons in conveyances, to  
10 improve air quality, and to provide bicycle and pedestrian facilities and the operation of  
11 a traffic management association or similar entity;
- 12 (6) Terminal and dock facilities and parking facilities; and
- 13 (7) Such other services and facilities as may be provided for by general law.

### 14 **SECTION 3.**

#### 15 Definitions.

16 As used in this Act, the term:

- 17 (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale  
18 or use, including the growing of field crops, fruit or nut trees, the raising of livestock or  
19 poultry, and the operation of dairies, horse boarding facilities, and riding stables.
- 20 (2) "Board" means the governing body created for the governance of each community  
21 improvement district herein authorized.
- 22 (3) "Caucus of electors" means for each district the meeting of electors hereinafter  
23 provided for at which the elected board members of the district are elected. A quorum  
24 at such caucus shall consist of those electors present, and a majority of those present and  
25 voting is necessary to elect board members. No proxy votes may be cast.
- 26 (4) "Cost of the project" or "cost of any project" means and includes:
  - 27 (A) All costs of acquisition (by purchase or otherwise), construction, assembly,  
28 installation, modification, renovation, or rehabilitation incurred in connection with any  
29 project or any part of any project;
  - 30 (B) All costs of real property, fixtures, or personal property used in or in connection  
31 with or necessary for any project or for any facilities related thereto, including, but not  
32 limited to, the cost of all land, estates for years, easements, rights, improvements, water  
33 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and  
34 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
35 certificates; the cost of preparation of any application therefor; and the cost of all  
36 fixtures, machinery, equipment (including all transportation equipment and rolling

1 stock), furniture, and other property used in or in connection with or necessary for any  
2 project;

3 (C) All financing charges and loan fees and all interest on notes or other obligations  
4 of a district which accrue or are paid prior to and during the period of construction of  
5 a project and during such additional period as the board may reasonably determine to  
6 be necessary to place such project in operation;

7 (D) All costs of engineering, surveying, architectural, and legal services and all  
8 expenses incurred by engineers, surveyors, architects, and attorneys in connection with  
9 any project;

10 (E) All expenses for inspection of any project;

11 (F) All expenses of or incidental to determining the feasibility or practicability of any  
12 project;

13 (G) All costs of plans and specifications for any project;

14 (H) All costs of title insurance and examinations of title with respect to any project;

15 (I) Repayment of any loans made for the advance payment of any part of the foregoing  
16 costs, including interest thereon and any other expenses of such loans; and

17 (J) Administrative expenses of the board and such other expenses as may be necessary  
18 for or incidental to any project or the financing thereof or the placing of any project in  
19 operation.

20 Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part  
21 of the cost of the project and may be paid or reimbursed as such out of the proceeds of  
22 notes or other obligations issued by the district.

23 (5) "District" means the geographical area designated as such by the resolution of the  
24 governing body or bodies consenting to the creation of the community improvement  
25 district or as thereafter modified by any subsequent resolution of the governing body or  
26 bodies within which the district is or is to be located, or a body corporate and politic  
27 being a community improvement district created and activated pursuant hereto, as the  
28 context requires or permits.

29 (6) "Electors" means the owners of real property within the district which is subject to  
30 taxes, fees, and assessments levied by the board, as they appear on the most recent ad  
31 valorem real property tax return records of Gwinnett County, or one officer or director  
32 of a corporate elector, one trustee of a trust which is an elector, one partner of a  
33 partnership elector, or one designated representative of an elector whose designation is  
34 made in writing. An owner of property that is subject to taxes, fees, or assessments  
35 levied by the board shall have one vote for an election based on numerical majority. An  
36 owner of multiple parcels has one vote, not one vote per parcel, for an election based on  
37 numerical majority. Multiple owners of one parcel have one vote for an election based

1 on numerical majority which must be cast by one of their number who is designated in  
2 writing.

3 (7) "Equitably apportioned among the properties subject to such taxes, fees, and  
4 assessments according to the need for governmental services and facilities created by the  
5 degree of density of development of each such property," with reference to taxes, fees,  
6 and assessments levied by the board, means that the burden of the taxes, fees, and  
7 assessments shall be apportioned among the properties subject thereto based upon the  
8 values established in the most recent ad valorem tax reassessment of such properties  
9 certified by the chairman of the Gwinnett County Board of Tax Assessors, or may be  
10 apportioned among the properties subject thereto in direct or approximate proportion to  
11 the receipt of services or benefits derived from the improvements or other activities for  
12 which the taxes, fees, or assessments are to be expended, or may be apportioned in any  
13 other manner or combination of manners deemed equitable by the board, including, but  
14 not limited to, the recognition of differential benefits which may reasonably be expected  
15 to accrue to new land development in contrast to lands and improvements already in  
16 existence at the time of creation of the community improvement district.

17 (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 value of all  
18 owned real property within the district which is then subject to taxes, fees, and  
19 assessments levied by the board. Value of real property shall be the assessed value.

20 (9) "Forestry" means the planting and growing of trees for sale in a program which  
21 includes reforestation of harvested trees, regular underbrush and undesirable growth  
22 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active  
23 tree-farming operation. It does not include the casual growing of trees on land otherwise  
24 idle or held for investment, even though some harvesting of trees may occur thereon.

25 (10) "Hereby," "herein," "hereinunder," and "herewith" mean under this Act.

26 (11) "Project" means the acquisition, construction, installation, modification, renovation,  
27 or rehabilitation of land, interests in land, buildings, structures, facilities, or other  
28 improvements, including operation of facilities or other improvements, located or to be  
29 located within or otherwise providing service to the district and the acquisition,  
30 installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery,  
31 equipment, furniture, or other property of any nature whatsoever used on, in, or in  
32 connection with any such land, interest in land, building, structure, facility, or other  
33 improvement; the creation, provision, enhancement, or supplementing of public services  
34 (such as fire, police, and other services), provided that same do not conflict with or  
35 duplicate existing public services; and all for the essential public purposes set forth in  
36 Section 2 of this Act.

1 (12) "Property owner" or "owner of real property" means any entity or person shown as  
 2 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax  
 3 records of Gwinnett County within the district as certified by the Gwinnett County tax  
 4 commissioner.

5 (13) "Property used nonresidentially" means property or any portion thereof used for  
 6 neighborhood shopping, planned shopping center, general commercial, transient lodging  
 7 facilities, tourist services, office or institutional, office services, light industry, heavy  
 8 industry, central business district, parking, or other commercial or business use or vacant  
 9 land zoned or approved for any of the aforementioned uses which do not include  
 10 residential.

11 (14) "Residential" means a specific work or improvement undertaken primarily to  
 12 provide single-family or multifamily dwelling accommodations for persons and families  
 13 and such community facilities as may be incidental or appurtenant thereto.

14 (15) "Taxpayer" means an entity or person paying ad valorem taxes on real property,  
 15 whether on one or more parcels of property within the district. Multiple owners of one  
 16 parcel shall constitute one taxpayer and shall designate in writing one of their number to  
 17 represent the whole.

18 (16) "Value" or "assessed value" of property means the values established in the most  
 19 recent ad valorem tax reassessment of such properties certified by the chairman of the  
 20 Gwinnett County Board of Tax Assessors.

#### 21 **SECTION 4.**

##### 22 **Creation.**

23 Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is  
 24 created one or more community improvement districts to be located in Gwinnett County,  
 25 Georgia, either wholly within the unincorporated area thereof, or wholly within any  
 26 municipality therein, or partly within one or more municipalities and partly within the  
 27 unincorporated area thereof, each of which shall be activated upon compliance with the  
 28 conditions set forth in this section. Each district shall be governed by a board constituted by  
 29 this Act. The conditions for such activation shall be:

30 (1) The adoption of a resolution consenting to the creation of each community  
 31 improvement district by:

32 (A) The Board of Commissioners of Gwinnett County if the district is located wholly  
 33 within the unincorporated area of Gwinnett County;

34 (B) The governing authority of the municipality if the district is located wholly within  
 35 the incorporated area of a municipality; or

1 (C) The governing authorities of Gwinnett County and any municipality in which the  
 2 district is partially located if it is located partially within the unincorporated area of  
 3 Gwinnett County and partially within the incorporated area of any municipality; and

4 (2) The written consent to the creation of the community improvement district by:

5 (A) A majority of the owners of real property within the district which will be subject  
 6 to taxes, fees, and assessments levied by the board of the district; and

7 (B) The owners of real property within the district which constitutes at least 75 percent  
 8 by value of all real property within the district which will be subject to taxes, fees, and  
 9 assessments levied by the board. For this purpose, value shall be determined by the  
 10 most recent approved county ad valorem tax digest.

11 The written consent provided for in this paragraph shall be submitted to the Gwinnett  
 12 County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this  
 13 paragraph have been satisfied with respect to each such proposed district.

14 No district or board created under this Act shall transact any business or exercise any powers  
 15 under this Act until the foregoing conditions are met. A copy of such resolutions shall be  
 16 filed with the Secretary of State, who shall maintain a record of all districts activated under  
 17 this Act, and with the Department of Community Affairs.

## 18 **SECTION 5.**

19 Administration, appointment, and election of board members.

20 (a) Each district created pursuant hereto shall be administered by a board composed of a  
 21 minimum of seven board members to be appointed and elected as hereinafter provided. One  
 22 board member shall be appointed by the Gwinnett County Board of Commissioners. One  
 23 board member shall be appointed by the governing authority of each municipality, if any  
 24 portion of the district lies within the incorporated area of such municipality, three board  
 25 members shall be elected by the vote of electors, and three members shall be elected by the  
 26 vote of equity electors. The board shall be seven in number plus one for each member  
 27 appointed by the governing authority of each municipality as provided above. The members  
 28 representing the electors and equity electors shall be elected to serve in post positions 1  
 29 through 6, respectively. Each elected board member must receive a majority of the votes cast  
 30 for the post for which he or she is a candidate. Votes for posts 1, 2, and 3 shall be cast by  
 31 electors and votes for posts 4, 5, and 6 shall be cast by equity electors. The initial term of  
 32 office for the members representing posts 1 and 4 shall be one year. The initial term of office  
 33 for the members representing posts 2 and 5 shall be two years, and the initial term of office  
 34 of the members representing posts 3 and 6 shall be three years. Thereafter, all terms of office  
 35 shall be for three years, except the appointed board members who serve at the pleasure of the  
 36 governing body which appointed them.

1 (b) The initial board members to be elected as provided above shall be elected in a caucus  
2 of electors which shall be held within 60 days after the adoption of the resolutions and  
3 obtaining the written consents herein provided at such time and place within the district as  
4 the Board of Commissioners of Gwinnett County, or governing body of the municipality if  
5 the district lies wholly within the incorporated area thereof, shall designate after notice  
6 thereof shall have been given to said electors by publishing same in the legal organ of  
7 Gwinnett County as hereinafter provided. Thereafter, there shall be conducted biennially,  
8 not later than 60 days following the last day for filing ad valorem real property tax returns  
9 in Gwinnett County, a caucus of said electors at such time and place within the district as the  
10 board shall designate in such notice for the purpose of electing board members to those board  
11 member positions whose terms expire or are vacant. If a vacancy occurs in an election  
12 position on the board, the board shall, within 60 days thereof, call a special election to fill the  
13 same to be held within 60 days of the call unless such vacancy occurs within 180 days of the  
14 next regularly scheduled election, in which case a special election may, but need not, be  
15 called. For any election held hereunder, notice thereof shall be given to said electors by  
16 publishing notice thereof in the legal organ of Gwinnett County at least once each week for  
17 four weeks prior to such election.

18 (c) Board members shall be subject to recall as any other elected public official by the  
19 electors or equity electors defined in this Act.

20 (d) Board members, including appointed board members, shall be electors within the district.  
21 If a board member ceases to be an elector, such board member's position shall be declared  
22 vacant as of the date of the event terminating such status.

23 (e) Board members shall receive no compensation for their services, but shall be reimbursed  
24 for actual expenses incurred in the performance of their duties. They shall elect one of their  
25 number as chairperson and another as vice chairperson. They shall also elect a secretary and  
26 a treasurer, or a secretary-treasurer, either of whom may, but need not, be a member of the  
27 board or an elector.

28 (f) If the boundaries of a district are subsequently changed after creation of the district to  
29 include land within a municipality which was not a party to the creation of the district, or if  
30 a municipality's boundaries are changed to include land within an existing district, the  
31 governing authority of the municipality shall acquire the right to appoint a member to the  
32 board of the district upon entering into the cooperation agreement provided for in Section 9  
33 hereof. If the boundaries of a district or municipality are subsequently changed after creation  
34 of a district to include land within the unincorporated area of Gwinnett County and the  
35 district originally had no land within the unincorporated area of Gwinnett County, the Board  
36 of Commissioners of Gwinnett County shall acquire the right to appoint a member to the  
37 board of the district upon entering into the cooperation agreement provided for in Section 9

1 hereof. If, by municipal annexation or by deannexation of land from a district, the district  
2 no longer includes land within the unincorporated area of Gwinnett County or within a  
3 municipality, respectively, then the board member of the district appointed by such  
4 governing authority in which the district is no longer located shall cease to be a board  
5 member.

6 (g) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to  
7 the election of district board members. Should a vacancy in office of a district board member  
8 occur, and the regular caucus of electors is more than six months in the future, a special  
9 election shall be called to fill such vacancy, unless it is filled by appointment as hereinabove  
10 required. The district board may adopt such bylaws not inconsistent herewith to provide for  
11 any matter concerning such elections.

## 12 **SECTION 6.**

### 13 Taxes, fees, and assessments.

14 (a) The board may levy taxes, fees, and assessments within the district only on real property  
15 used nonresidentially, specifically excluding all property exempt from ad valorem taxation  
16 under the Constitution or laws of the State of Georgia, all property used for residential,  
17 agricultural, or forestry purposes, and all tangible personal property and intangible property.  
18 Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed  
19 value of all such real property. The taxes, fees, and assessments levied by the board shall be  
20 equitably apportioned among the properties subject to such taxes, fees, and assessments  
21 according to the need for governmental services and facilities created by the degree of  
22 density of development of each such property. The proceeds of taxes, fees, and assessments  
23 levied by the board shall be used only for the purpose of providing governmental services  
24 and facilities which are specially required by the degree of density of development within the  
25 district and not for the purpose of providing those governmental services and facilities  
26 provided to the county or municipality as a whole. Any tax, fee, or assessment so levied  
27 shall be collected by Gwinnett County in the same manner as taxes, fees, and assessments  
28 are levied by the county. Delinquent taxes shall bear the same interest and penalties as  
29 Gwinnett County ad valorem taxes and may be enforced and collected in the same manner.  
30 The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of  
31 collection of 1 percent thereof, but not more than \$25,000.00 in any one calendar year, shall  
32 be transmitted by Gwinnett County to the board and shall be expended by the board only for  
33 the purposes authorized hereby.

34 (b) The board shall levy the above-provided taxes subsequent to the report of the assessed  
35 taxable values for the current calendar year and notify in writing the collecting governing  
36 bodies so they may include the levy on their regular ad valorem tax bills, if possible.

1 (c) If, but for this provision, a parcel of real property is removed from a district or otherwise  
2 would become nontaxable, it shall continue to bear its tax millage then extant upon such  
3 event for bonded indebtedness of the district then outstanding until said bonded indebtedness  
4 then outstanding is paid or refunded.

5 (d) In accordance with the requirements of Code Section 36-71-7 of the O.C.G.A., each  
6 property paying taxes, fees, or assessments levied by the board for any public facility as set  
7 forth in Section 2 of this Act shall receive a credit equal to the present value of all such taxes,  
8 fees, and assessments toward any impact fee as may be levied by Gwinnett County against  
9 said property for system improvements, as defined under Chapter 71 of Title 36 of the  
10 O.C.G.A., the "Georgia Development Impact Fee Act," which are in the same category as  
11 said public facility.

## 12 **SECTION 7.**

### 13 **Boundaries of the districts.**

14 (a) The boundaries of each district shall be as designated as such by the Gwinnett County  
15 Board of Commissioners if wholly within the unincorporated area of Gwinnett County and  
16 such municipalities within which the district may be partially located if partially within the  
17 unincorporated area of Gwinnett County and partially within one or more municipalities, or  
18 by the governing authority of a municipality if wholly within the incorporated area thereof,  
19 as set forth in the resolutions required in Section 4 hereof, or as may thereafter be added as  
20 hereinafter provided.

21 (b) The boundaries of a district may be increased after the initial creation of a district  
22 pursuant to the following:

23 (1) Written consent of a majority of the owners of real property within the area sought  
24 to be annexed and which will be subject to taxes, fees, and assessments levied by the  
25 board of the district;

26 (2) Written consent of owners of real property within the area sought to be annexed  
27 which constitutes at least 75 percent by value of the property which will be subject to  
28 taxes, fees, and assessments levied by the board. For this purpose, value shall be  
29 determined by the most recent approved county ad valorem tax digest;

30 (3) The adoption of a resolution consenting to the annexation by the board of the district;  
31 and

32 (4) The adoption of a resolution consenting to the annexation by the governing  
33 authorities of Gwinnett County, if any portion of the district is or is to be in the  
34 unincorporated area of Gwinnett County, and such municipalities as may have area  
35 within the district before or after the annexation.

1 (c) The boundaries of a district may also be increased after the initial creation of a district  
2 if:

3 (1) Written consent of the owners of any real property sought to be annexed and which  
4 will not be subject to taxes, fees, and assessments levied by the board of the district is  
5 first obtained;

6 (2) The board of the district adopts a resolution consenting to the annexation; and

7 (3) A resolution is adopted which grants consent to the annexation by the governing  
8 authorities of Gwinnett County, if any portion of the district is in the unincorporated area  
9 of Gwinnett County, and such municipalities as may have area within the district before  
10 or after the annexation.

11 (d) Property which is not subject to taxes, fees, and assessments levied by the board of the  
12 district and which is adjacent to, contiguous to, or abutting property within the district may  
13 be annexed by:

14 (1) The adoption of a resolution approving the annexation by the board of the district;  
15 and

16 (2) The adoption of a resolution granting consent to the annexation by the governing  
17 authorities of Gwinnett County, if any portion of the district is in the unincorporated area  
18 of Gwinnett County, and such municipalities as may have area within the district before  
19 or after the annexation.

## 20 **SECTION 8.**

### 21 **Debt.**

22 Except as otherwise provided in this section, each district may incur debt without regard to  
23 the requirements of Article IX, Section V of the Constitution of Georgia, or any other  
24 provision of law, prohibiting or restricting the borrowing of money or the creation of debt  
25 by political subdivisions of the State of Georgia, which debt shall be backed by the full faith  
26 and credit and taxing power of the district but shall not be an obligation of the State of  
27 Georgia or any other unit of government of the State of Georgia other than the district. No  
28 district shall be authorized to issue bonds or incur bonded indebtedness.

## 29 **SECTION 9.**

### 30 **Cooperation with local governments.**

31 The services and facilities provided pursuant hereto shall be provided for in a cooperation  
32 agreement executed jointly by the board and the governing body of Gwinnett County and any  
33 municipalities within which the district is partially located. The provisions of this section  
34 shall in no way limit the authority of Gwinnett County or any such municipality to provide  
35 services or facilities within the district; and Gwinnett County or such municipalities shall

1 retain full and complete authority and control over any of its facilities located within its  
 2 respective areas of any district. Said control shall include but not be limited to the  
 3 modification of, access to, and degree and type of services provided through or by facilities  
 4 of the municipality or county. Nothing contained in this section shall be construed to limit  
 5 or preempt the application of any governmental laws, ordinances, resolutions, or regulations  
 6 to the district or the services or facilities provided therein.

## 7 **SECTION 10.**

### 8 Powers.

9 (a) Each district and its board created pursuant hereto shall have all of the powers necessary  
 10 or convenient to carry out and effectuate the purposes and provisions hereof, including,  
 11 without limiting the generality of the foregoing, the power:

- 12 (1) To bring and defend actions;
- 13 (2) To adopt and amend a corporate seal;
- 14 (3) To make and execute contracts, agreements, and other instruments necessary or  
 15 convenient to exercise the powers of the board or to further the public purposes for which  
 16 the district is created, including, but not limited to, contracts for construction of projects,  
 17 leases of projects, contracts for sale of projects, agreements for loans to finance projects,  
 18 contracts with respect to the use of projects, and agreements with other jurisdictions or  
 19 community improvement districts regarding multijurisdictional projects or services or for  
 20 other cooperative endeavors to further the public purposes of the district;
- 21 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and  
 22 personal property of every kind and character, or any interest therein, in furtherance of  
 23 the public purposes of the district;
- 24 (5) To finance (by loan, grant, lease, or otherwise), construct, erect, assemble, purchase,  
 25 acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve,  
 26 install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any  
 27 project from the proceeds of the district or any other funds of the district, or from any  
 28 contributions or loans by persons, corporations, partnerships (whether limited or general),  
 29 or other entities, all of which the board is authorized to receive, accept, and use;
- 30 (6) To make application directly or indirectly to any federal, state, county, or municipal  
 31 government or agency or to any other source, whether public or private, for loans, grants,  
 32 guarantees, or other financial assistance in furtherance of the district's public purposes  
 33 and to accept and use the same upon such terms and conditions as are prescribed by such  
 34 federal, state, county, or municipal government or agency or other source;

- 1 (7) To enter into agreements with the federal government or any agency thereof to use  
2 the facilities or services of the federal government or any agency thereof in order to  
3 further or carry out the public purposes of the district;
- 4 (8) To contract for any period, not exceeding 50 years, with the State of Georgia, state  
5 institutions, or any municipal corporation, county, or political subdivision of this state for  
6 the use by the district of any facilities or services of the state or any such state institution,  
7 municipal corporation, county, or political subdivision of this state, or for the use by any  
8 state institution or any municipal corporation, county, or political subdivision of the state  
9 of any facilities or services of the district, provided that such contracts shall deal with  
10 such activities and transactions as the district and any such political subdivision with  
11 which the district contracts are authorized by law to undertake;
- 12 (9) To receive and use the proceeds of any tax levied by any county or any municipal  
13 corporation to pay the costs of any project or for any other purpose for which the board  
14 may use its own funds pursuant hereto;
- 15 (10) To receive and administer gifts, grants, and devises of money and property of any  
16 kind and to administer trusts;
- 17 (11) To use any real property, personal property, or fixtures or any interest therein or to  
18 rent or lease such property to or from others or make contracts with respect to the use  
19 thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or  
20 grant options for any such property in any manner as it deems to be the best advantage  
21 of the district and the public purposes thereof;
- 22 (12) To appoint, select, and employ engineers, surveyors, architects, urban or city  
23 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their  
24 expenses;
- 25 (13) To encourage and promote the improvement and development of the district and to  
26 make, contract for, or otherwise cause to be made long-range plans or proposals for the  
27 district in cooperation with Gwinnett County and any municipal corporations in which  
28 the district is wholly or partially located;
- 29 (14) To adopt bylaws governing the conduct of business by the board, the election and  
30 duties of officers of the board, and other matters which the board determines to deal with  
31 in its bylaws;
- 32 (15) To exercise any power granted by the laws of this state to public or private  
33 corporations which is not in conflict with the public purposes of the district;
- 34 (16) To create, provide, enhance, or supplement public services such as fire, police, and  
35 other such services as may be deemed necessary, provided that said public services do  
36 not conflict with or duplicate existing Gwinnett County or municipal corporation  
37 services; and

1 (17) To do all things necessary or convenient to carry out the powers conferred hereby.

2 (b) The powers enumerated in each paragraph of subsection (a) of this section are  
3 cumulative of and in addition to those powers enumerated herein and elsewhere in this Act;  
4 and no such power limits or restricts any other power of the board.

#### 5 **SECTION 11.**

6 Construction; notice, proceeding, publication, referendum.

7 This Act shall be liberally construed to effect the purposes hereof. No notice, proceeding,  
8 or publication except those required hereby shall be necessary to the performance of any act  
9 authorized hereby, nor shall any such act be subject to referendum.

#### 10 **SECTION 12.**

11 Dissolution.

12 (a) Any district activated under the provisions of this Act may be dissolved. The conditions  
13 for such dissolution shall be:

14 (1) The adoption of a resolution approving of the dissolution of each community  
15 improvement district by the Gwinnett County Board of Commissioners if wholly within  
16 the unincorporated area of Gwinnett County and such municipalities within which the  
17 district may be located if partially within the unincorporated area of Gwinnett County and  
18 partially within one or more municipalities, or by the governing authority of a  
19 municipality if wholly within the incorporated area thereof; and

20 (2) The written consent to the dissolution of the community improvement district by:

21 (A) Two-thirds (67 percent) of the owners of real property within the district which are  
22 subject to taxes, fees, and assessments levied by the board of the district; and

23 (B) The owners of real property constituting at least 75 percent by value of all real  
24 property within the district which are subject to taxes, fees, and assessments levied by  
25 the board. For this purpose, value shall be determined by the most recent approved  
26 county ad valorem tax digest.

27 The written consent provided for in this paragraph shall be submitted to the Gwinnett  
28 County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this  
29 paragraph have been satisfied with respect to each proposed district dissolution.

30 (b) At the official caucus of electors at which board members are to be elected in the sixth  
31 year following creation of the district, and every sixth year thereafter, the question shall be  
32 put to the electors present to dissolve the community improvement district. Upon an  
33 affirmative vote of a majority of the electors present and voting, who shall represent at least  
34 75 percent of the votes cast on the basis of value, the board shall send a ballot to each owner  
35 of property subject to taxes, fees, and assessments levied by the board for a vote on the

1 dissolution. Upon receipt of ballots consenting to the dissolution from a majority of the  
2 property owners, who shall represent at least 75 percent of the assessed value of said  
3 properties, the board shall request dissolution by the governing authority and shall forward  
4 said ballots to the Gwinnett County tax commissioner for certification.

5 (c) In the event that successful action is taken pursuant to this section to dissolve the district,  
6 the dissolution shall become effective at such time as all debt obligations of the district have  
7 been satisfied. Following a successful dissolution action and until the dissolution becomes  
8 effective, no new projects may be undertaken, obligations or debts incurred, or property  
9 acquired.

10 (d) Upon a successful dissolution action, all noncash assets of the district other than public  
11 facilities or land or easements to be used for such public facilities, as described in Section  
12 2 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be applied  
13 to the repayment of any debt obligation of the district. Any cash remaining after all  
14 outstanding obligations are satisfied shall be refunded to each property owner in direct  
15 proportion to the total amount in taxes, fees, or assessments paid by the property owner  
16 relative to the total revenues paid by all properties in the district.

17 (e) When a dissolution becomes effective, the county governing authority, or the governing  
18 authority of a municipality if wholly within the incorporated area thereof, shall take title to  
19 all property previously in the ownership of the district and all taxes, fees, and assessments  
20 of the district shall cease to be levied and collected.

21 (f) A district may be reactivated in the same manner as an original activation.

### 22 **SECTION 13.**

#### 23 Repealer.

24 All laws and parts of laws in conflict with this Act are repealed.