

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 654:

**AS PASSED SENATE**

**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:**

12 **SECTION 1.**

13 Short title.

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

16 **SECTION 2.**

17 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

1 shall consist of those electors and equity electors present. No proxy votes may be cast.  
 2 Notice of said meeting shall be given to said electors and equity electors by publishing notice  
 3 thereof in the legal organ of Gwinnett County at least once each week for four weeks prior  
 4 to such meeting:

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

16 **SECTION 3.**

17 Definitions.

18 As used in this Act, the term:

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

1 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
 2 certificates; the cost of preparation of any application therefor; and the cost of all  
 3 fixtures, machinery, equipment (including all transportation equipment and rolling  
 4 stock), furniture, and other property used in or in connection with or necessary for any  
 5 project;

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

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

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

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

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

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

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

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

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

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

32 (6) "Electors" means the owners of real property within the district which is subject to  
 33 taxes, fees, and assessments levied by the board, as they appear on the most recent ad  
 34 valorem real property tax return records of Gwinnett County, or one officer or director  
 35 of a corporate elector, one trustee of a trust which is an elector, one partner of a  
 36 partnership elector, or one designated representative of an elector whose designation is  
 37 made in writing. An owner of property that is subject to taxes, fees, or assessments

1 levied by the board shall have one vote for an election based on numerical majority. An  
2 owner of multiple parcels has one vote, not one vote per parcel, for an election based on  
3 numerical majority. Multiple owners of one parcel have one vote for an election based  
4 on numerical majority which must be cast by one of their number who is designated in  
5 writing.

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

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

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

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

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

1 duplicate existing public services; and all for the essential public purposes set forth in  
 2 Section 2 of this Act.

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

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

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

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

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

23 **SECTION 4.**

24 Creation.

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

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

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

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

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

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

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

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

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

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

20 **SECTION 5.**

21 Administration, appointment, and election of board members.

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

1 of the members representing posts 3 and 6 shall be three years. Thereafter, all terms of office  
2 shall be for three years, except the appointed board members who serve at the pleasure of the  
3 governing body which appointed them.

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

21 (c) Board members shall be subject to recall as follows:

22 (1) By election, called by a resolution of the Board of Commissioners of Gwinnett  
23 County;

24 (2) By election, called by a resolution of the administrative board of the district;

25 (3) By election, called by a petition of 20 percent of the electors or a petition by holders  
26 of 20 percent of eligible votes represented by equity electors;

27 (4) Upon petition of either a majority of the electors within the district or a majority of  
28 the equity electors within the district, provided that, if the petition is for recall of an  
29 elected board member, the petition shall be from the category of voters who elected the  
30 board member; or

31 (5) Upon the termination of an agreement of cooperation. Termination is in the event  
32 such agreement of cooperation shall lapse (i.e., failure to reenact by the following  
33 December 31 after an existing agreement of cooperation shall expire on its own terms)  
34 or an affirmative resolution of rejection of an agreement or reenactment of an agreement  
35 of cooperation by any one of the necessary parties so that no agreement of cooperation  
36 is in force.

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

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

9 (f) If the boundaries of a district are subsequently changed after creation of the district to  
 10 include land within a municipality which was not a party to the creation of the district, or if  
 11 a municipality's boundaries are changed to include land within an existing district, the  
 12 governing authority of the municipality shall acquire the right to appoint a member to the  
 13 board of the district upon entering into the cooperation agreement provided for in Section 9  
 14 hereof. If the boundaries of a district or municipality are subsequently changed after creation  
 15 of a district to include land within the unincorporated area of Gwinnett County and the  
 16 district originally had no land within the unincorporated area of Gwinnett County, the Board  
 17 of Commissioners of Gwinnett County shall acquire the right to appoint a member to the  
 18 board of the district upon entering into the cooperation agreement provided for in Section 9  
 19 hereof. If, by municipal annexation or by deannexation of land from a district, the district  
 20 no longer includes land within the unincorporated area of Gwinnett County or within a  
 21 municipality, respectively, then the board member of the district appointed by such  
 22 governing authority in which the district is no longer located shall cease to be a board  
 23 member.

24 (g) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to  
 25 the election of district board members. The district board may adopt such bylaws not  
 26 inconsistent herewith to provide for any matter concerning such elections.

## 27 **SECTION 6.**

### 28 Taxes, fees, and assessments.

29 (a) The board may levy taxes, fees, and assessments within the district only on real property  
 30 used nonresidentially, specifically excluding all property exempt from ad valorem taxation  
 31 under the Constitution or laws of the State of Georgia, all property used for residential,  
 32 agricultural, or forestry purposes, and all tangible personal property and intangible property.  
 33 Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed  
 34 value of all such real property. The taxes, fees, and assessments levied by the board shall be  
 35 equitably apportioned among the properties subject to such taxes, fees, and assessments



1 according to the need for governmental services and facilities created by the degree of  
 2 density of development of each such property. The proceeds of taxes, fees, and assessments  
 3 levied by the board shall be used only for the purpose of providing governmental services  
 4 and facilities which are specially required by the degree of density of development within the  
 5 district and not for the purpose of providing those governmental services and facilities  
 6 provided to the county or municipality as a whole. Any tax, fee, or assessment so levied  
 7 shall be collected by Gwinnett County in the same manner as taxes, fees, and assessments  
 8 are levied by the county. Delinquent taxes shall bear the same interest and penalties as  
 9 Gwinnett County ad valorem taxes and may be enforced and collected in the same manner.  
 10 The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of  
 11 collection of 1 percent thereof, but not more than \$25,000.00 in any one calendar year, shall  
 12 be transmitted by Gwinnett County to the board and shall be expended by the board only for  
 13 the purposes authorized hereby.

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

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

## 21 **SECTION 7.**

### 22 **Boundaries of the districts.**

23 (a) The boundaries of each district shall be as designated as such by the Gwinnett County  
 24 Board of Commissioners if wholly within the unincorporated area of Gwinnett County and  
 25 such municipalities within which the district may be partially located if partially within the  
 26 unincorporated area of Gwinnett County and partially within one or more municipalities, or  
 27 by the governing authority of a municipality if wholly within the incorporated area thereof,  
 28 as set forth in the resolutions required in Section 4 hereof, or as may thereafter be added as  
 29 hereinafter provided.

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

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

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

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

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

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

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

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

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

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

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

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

30 **SECTION 8.**

31 **Debt.**

32 Except as otherwise provided in this section, each district may incur debt without regard to  
33 the requirements of Article IX, Section V of the Constitution of Georgia, or any other  
34 provision of law, prohibiting or restricting the borrowing of money or the creation of debt  
35 by political subdivisions of the State of Georgia, which debt shall be backed by the full faith

1 and credit and taxing power of the district but shall not be an obligation of the State of  
2 Georgia or any other unit of government of the State of Georgia other than the district. No  
3 district shall be authorized to issue bonds or incur bonded indebtedness.

4 **SECTION 9.**

5 Cooperation with local governments.

6 The services and facilities provided pursuant hereto shall be provided for in a cooperation  
7 agreement executed jointly by the board, the governing body of Gwinnett County, and any  
8 municipalities within which the district is partially located. The provisions of this section  
9 shall in no way limit the authority of Gwinnett County or any such municipality to provide  
10 services or facilities within the district; and Gwinnett County or such municipalities shall  
11 retain full and complete authority and control over any of its facilities located within its  
12 respective areas of any district. Said control shall include but not be limited to the  
13 modification of, access to, and degree and type of services provided through or by facilities  
14 of the municipality or county. Nothing contained in this section shall be construed to limit  
15 or preempt the application of any governmental laws, ordinances, resolutions, or regulations  
16 to the district or the services or facilities provided therein. Any community improvement  
17 district created pursuant to this Act shall indemnify and hold harmless the State of Georgia,  
18 Gwinnett County, any municipality located wholly or partially within such community  
19 improvement district, and any other unit of government of the State of Georgia other than  
20 such community improvement district from any claim or cause of action asserted against, or  
21 which is capable of assertion against, such community improvement district arising from the  
22 acts or omissions of the community improvement district. Neither the State of Georgia,  
23 Gwinnett County, any municipality located wholly or partially within such district, nor any  
24 other unit of government of the State of Georgia other than the district shall be responsible  
25 or liable for payment of any sum arising from a claim or cause of action asserted, or which  
26 might have been asserted, against such community improvement district arising from the acts  
27 or omissions of the community improvement district.

28 **SECTION 10.**

29 Powers.

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

- 33 (1) To bring and defend actions;

- 1 (2) To adopt and amend a corporate seal;
- 2 (3) To make and execute contracts, agreements, and other instruments necessary or  
3 convenient to exercise the powers of the board or to further the public purposes for which  
4 the district is created, including, but not limited to, contracts for construction of projects,  
5 leases of projects, contracts for sale of projects, agreements for loans to finance projects,  
6 contracts with respect to the use of projects, and agreements with other jurisdictions or  
7 community improvement districts regarding multijurisdictional projects or services or for  
8 other cooperative endeavors to further the public purposes of the district;
- 9 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and  
10 personal property of every kind and character, or any interest therein, in furtherance of  
11 the public purposes of the district;
- 12 (5) To finance (by loan, grant, lease, or otherwise), construct, erect, assemble, purchase,  
13 acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve,  
14 install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any  
15 project from the proceeds of the district or any other funds of the district, or from any  
16 contributions or loans by persons, corporations, partnerships (whether limited or general),  
17 or other entities, all of which the board is authorized to receive, accept, and use;
- 18 (6) To make application directly or indirectly to any federal, state, county, or municipal  
19 government or agency or to any other source, whether public or private, for loans, grants,  
20 guarantees, or other financial assistance in furtherance of the district's public purposes  
21 and to accept and use the same upon such terms and conditions as are prescribed by such  
22 federal, state, county, or municipal government or agency or other source;
- 23 (7) To enter into agreements with the federal government or any agency thereof to use  
24 the facilities or services of the federal government or any agency thereof in order to  
25 further or carry out the public purposes of the district;
- 26 (8) To contract for any period, not exceeding 50 years, with the State of Georgia, state  
27 institutions, or any municipal corporation, county, or political subdivision of this state for  
28 the use by the district of any facilities or services of the state or any such state institution,  
29 municipal corporation, county, or political subdivision of this state, or for the use by any  
30 state institution or any municipal corporation, county, or political subdivision of the state  
31 of any facilities or services of the district, provided that such contracts shall deal with  
32 such activities and transactions as the district and any such political subdivision with  
33 which the district contracts are authorized by law to undertake;
- 34 (9) To receive and use the proceeds of any tax levied by any county or any municipal  
35 corporation to pay the costs of any project or for any other purpose for which the board  
36 may use its own funds pursuant hereto;

1 (10) To receive and administer gifts, grants, and devises of money and property of any  
 2 kind and to administer trusts;

3 (11) To use any real property, personal property, or fixtures or any interest therein or to  
 4 rent or lease such property to or from others or make contracts with respect to the use  
 5 thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or  
 6 grant options for any such property in any manner as it deems to be the best advantage  
 7 of the district and the public purposes thereof;

8 (12) To appoint, select, and employ engineers, surveyors, architects, urban or city  
 9 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their  
 10 expenses;

11 (13) To encourage and promote the improvement and development of the district and to  
 12 make, contract for, or otherwise cause to be made long-range plans or proposals for the  
 13 district in cooperation with Gwinnett County and any municipal corporations in which  
 14 the district is wholly or partially located;

15 (14) To adopt bylaws governing the conduct of business by the board, the election and  
 16 duties of officers of the board, and other matters which the board determines to deal with  
 17 in its bylaws;

18 (15) To exercise any power granted by the laws of this state to public or private  
 19 corporations which is not in conflict with the public purposes of the district;

20 (16) To create, provide, enhance, or supplement public services such as fire, police, and  
 21 other such services as may be deemed necessary, provided that said public services do  
 22 not conflict with or duplicate existing Gwinnett County or municipal corporation  
 23 services; and

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

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

28 **SECTION 11.**

29 Construction; notice, proceeding, publication, referendum.

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

**SECTION 12.**

## Dissolution.

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

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

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

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

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

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

(b) At the official caucus of electors at which board members are to be elected in the sixth year following creation of the district, and every sixth year thereafter, the question shall be put to the electors present to dissolve the community improvement district. Upon an affirmative vote of two-thirds (67 percent) of the electors present and voting, who shall represent at least 75 percent of the votes cast on the basis of value, the board shall send a ballot to each owner of property subject to taxes, fees, and assessments levied by the board for a vote on the dissolution. Upon receipt of ballots consenting to the dissolution from a majority of the property owners, who shall represent at least 75 percent of the assessed value of said properties, the board shall request dissolution by the governing authority and shall forward said ballots to the Gwinnett County tax commissioner for certification.

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

(d) Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, as described in Section

1 2 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be applied  
2 to the repayment of any debt obligation of the district. Any cash remaining after all  
3 outstanding obligations are satisfied shall be refunded to each property owner in direct  
4 proportion to the total amount in taxes, fees, or assessments paid by the property owner  
5 relative to the total revenues paid by all properties in the district.

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

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

11 (g) No obligation of debt may be entered into beyond the term or life of the district.

12 **SECTION 13.**

13 Repealer.

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