

House Bill 523

By: Representatives Williams of the 128<sup>th</sup>, Keen of the 146<sup>th</sup>, Mosley of the 129<sup>th</sup>, Post 1 and Smith of the 129<sup>th</sup>, Post 2

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the creation of a community improvement district in Glynn County; to  
2 provide for a short title; to provide for the purposes of said district; to provide for definitions;  
3 to provide for a board to administer said district; to provide for the appointment and election  
4 of members of said board; to provide for taxes, fees, and assessments; to provide for the  
5 boundaries of said district; to provide for a tax cap; to specify conditions whereby the  
6 continued existence of the district or the continued existence of any one or more of the  
7 powers granted to the district may be terminated; to provide procedures for termination of  
8 the district; to provide for the alteration of district boundaries and the practices, procedures,  
9 and requirements related thereto; to provide for debt of said district; to provide for  
10 cooperation with local governments; to provide for powers of said board; to provide for  
11 general obligation bonds, notes, and other obligations of said district; to provide for the form  
12 of bonds, provisions for exchange and transfer, certificate of validation, specification of  
13 interest rates in notice to district attorney or Attorney General and in notice of validation  
14 hearing and elsewhere, and definition of terms "cost of the project" and "cost of any project"  
15 as used in bond resolutions and elsewhere; to provide for authorized contents of agreements  
16 and instruments of the board generally, use of proceeds of sale of bonds, notes, or other  
17 obligations, and subsequent issues of bonds, notes, or other obligations; to provide for  
18 construction; to provide that Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities  
19 Act of 1973," shall not apply to the offer, sale, or issuance of the board's bonds, notes, or  
20 other obligations; to provide that no notice, proceeding, publication, or referendum shall be  
21 required; to provide for dissolution; to provide the procedures connected with all of the  
22 foregoing; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Short title.

This Act shall be referred to as the "Glynn County Community Improvement District Act."

**SECTION 2.**

Purpose.

The purpose of this Act shall be to provide for the creation of a community improvement district within Glynn County, and such district shall be created for the provision of some or all of the following governmental services and facilities:

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

**SECTION 3.**

Definitions.

As used in this Act, the term:

- (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale or use, including the growing of field crops, fruit or nut trees, the raising of livestock or poultry, and the operation of dairies, horse boarding facilities, and riding stables.
- (2) "Board" means the governing body created for the governance of the community improvement district herein authorized.
- (3) "Bonds" or "general obligation bonds" means any bonds of the district which are authorized to be issued under the Constitution and laws of Georgia, including refunding bonds but not including notes or other obligations of the district.
- (4) "Caucus of electors" means the meeting of electors hereinafter provided for at which the elected board members of the district are elected. A quorum at such caucus shall

1 consist of those electors present, and a majority of those present and voting is necessary  
2 to elect board members. No proxy votes may be cast.

3 (5) "Cost of the project" or "cost of any project" means and includes:

4 (A) All costs of acquisition (by purchase or otherwise), construction, assembly,  
5 installation, modification, renovation, or rehabilitation incurred in connection with any  
6 project or any part of any project;

7 (B) All costs of real property, fixtures, or personal property used in or in connection  
8 with or necessary for any project or for any facilities related thereto, including, but not  
9 limited to, the cost of all land, estates for years, easements, rights, improvements, water  
10 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and  
11 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
12 certificates; the cost of preparation of any application therefor; and the cost of all  
13 fixtures, machinery, equipment (including all transportation equipment and rolling  
14 stock), furniture, and other property used in or in connection with or necessary for any  
15 project;

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

20 (D) All costs of engineering, surveying, architectural, and legal services and all  
21 expenses reasonably incurred by engineers, surveyors, architects, and attorneys in  
22 connection with any project;

23 (E) All expenses reasonably incurred for inspection of any project;

24 (F) All reasonably incurred expenses of or incidental to determining the feasibility or  
25 practicability of any project;

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

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

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

30 (J) Administrative expenses of the board and such other expenses as may be necessary  
31 for or incidental to any project or the financing thereof or the placing of any project in  
32 operation; and

33 (K) The establishment of a fund or funds for the creation of a debt service reserve, a  
34 renewal and replacement reserve, or such other funds or reserves as the board may  
35 approve with respect to the financing and operation of any project and as may be  
36 authorized by any bond resolution, trust agreement, indenture of trust, or similar

1 instrument or agreement pursuant to the provisions of which the issuance of any bonds,  
2 notes, or other obligations of the district may be authorized.

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

6 (6) "District" means the geographical area designated as such by the resolution of the  
7 governing body or bodies consenting to the creation of the community improvement  
8 district or as thereafter modified by any subsequent resolution of the governing body or  
9 bodies within which the district is or is to be located, or a body corporate and politic  
10 being a community improvement district created and activated pursuant hereto, as the  
11 context requires or permits.

12 (7) "Electors" means the owners of real property within the district which is subject to  
13 taxes, fees, and assessments levied by the board, as they appear on the most recent ad  
14 valorem real property tax return records of Glynn County, or one officer or director of a  
15 corporate elector, one trustee of a trust which is an elector, one partner of a partnership  
16 elector, or one designated representative of an elector whose designation is made in  
17 writing. An owner of property that is subject to taxes, fees, or assessments levied by the  
18 board shall have one vote for an election based on numerical majority. An owner of  
19 multiple parcels has one vote, not one vote per parcel, for an election based on numerical  
20 majority. Multiple owners of one parcel have one vote for an election based on numerical  
21 majority which must be cast by one of their number who is designated in writing.

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

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

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

31 (11) "Project" means the acquisition, construction, installation, modification, renovation,  
32 or rehabilitation of land, interests in land, buildings, structures, facilities, or other  
33 improvements, including operation of facilities or other improvements, located or to be  
34 located within or otherwise providing service to the district and the acquisition,  
35 installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery,  
36 equipment, furniture, or other property of any nature whatsoever used on, in, or in

1 connection with any such land, interest in land, building, structure, facility, or other  
2 improvements for the purposes set forth in 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 Glynn County within the district as certified by the Glynn 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 chairperson of the  
22 Glynn 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 a community improvement district to be located in Glynn County, Georgia, wholly  
27 within the unincorporated area thereof, which shall be activated upon compliance with the  
28 conditions set forth in this section. The 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 the community  
31 improvement district by the Board of Commissioners of Glynn County; and

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

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

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

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

8 The district or board created under this Act shall not transact any business or exercise any  
 9 powers under this Act until the foregoing conditions are met. A copy of such resolutions  
 10 shall be filed with the Secretary of State, who shall maintain a record of the district activated  
 11 under this Act, and with the Department of Community Affairs.

## 12 SECTION 5.

13 Administration, appointment, and election of board members.

14 (a) The district created pursuant hereto shall be administered by a board composed of a  
 15 minimum of seven board members to be appointed and elected as hereinafter provided. One  
 16 board member shall be appointed by the Glynn County Board of Commissioners. Three  
 17 board members shall be elected by the vote of electors, with one member being an engineer  
 18 working on any project within the district area, and three members shall be elected by the  
 19 vote of equity electors. The members representing the electors and equity electors shall be  
 20 elected to serve in post positions 1 through 6, respectively. Each elected board member must  
 21 receive a majority of the votes cast for the post for which he or she is a candidate. Votes for  
 22 posts 1, 2, and 3 shall be cast by electors and votes for posts 4, 5, and 6 shall be cast by  
 23 equity electors. The initial term of office for the members representing posts 1 and 4 shall  
 24 be one year. The initial term of office for the members representing posts 2 and 5 shall be  
 25 two years, and the initial term of office of the members representing posts 3 and 6 shall be  
 26 three years. Thereafter, all terms of office shall be for three years, except the appointed  
 27 board member who shall serve at the pleasure of the governing body which appointed him  
 28 or her.

29 (b) The initial board members to be elected as provided above shall be elected in a caucus  
 30 of electors which shall be held within 60 days after the adoption of the resolution and  
 31 obtaining the written consents herein provided at such time and place within the district as  
 32 the Board of Commissioners of Glynn County shall designate after notice thereof shall have  
 33 been given to said electors by publishing same in the legal organ of Glynn County as  
 34 hereinafter provided. Thereafter, there shall be conducted annually, not later than 60 days  
 35 following the last day for filing ad valorem real property tax returns in Glynn County, a

1 caucus of said electors at such time and place within the district as the board shall designate  
 2 in such notice for the purpose of electing board members to those board member positions  
 3 whose terms expire or are vacant. If a vacancy occurs in an elected position on the board,  
 4 the board shall, within 60 days thereof, call a special election to fill the same to be held  
 5 within 60 days of the call unless such vacancy occurs within 180 days of the next regularly  
 6 scheduled election, in which case a special election may, but need not, be called. For any  
 7 election held hereunder, notice thereof shall be given to said electors by publishing notice  
 8 thereof in the legal organ of Glynn County at least once each week for four weeks prior to  
 9 such election.

10 (c) Board members shall receive no compensation for their services, but shall be reimbursed  
 11 for actual expenses reasonably incurred in the performance of their duties. They shall elect  
 12 one of their number as chairperson and another as vice chairperson. They shall also elect a  
 13 secretary and a treasurer, or a secretary-treasurer, either of whom may, but need not, be a  
 14 member of the board or an elector.

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

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

## 31 **SECTION 6.**

### 32 Taxes, fees, and assessments.

33 (a) The board may levy taxes, fees, and assessments within the district only on real property  
 34 used nonresidentially, specifically excluding all property exempt from ad valorem taxation  
 35 under the Constitution or laws of the State of Georgia; all property used for residential,

1 agricultural, or forestry purposes; and all tangible personal property and intangible property.  
 2 Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed  
 3 value of all such real property. The taxes, fees, and assessments levied by the board shall be  
 4 equitably apportioned among the properties subject to such taxes, fees, and assessments  
 5 according to the need for governmental services and facilities created by the degree of  
 6 density of development of each such property. The proceeds of taxes, fees, and assessments  
 7 levied by the board shall be used only for the purpose of providing those governmental  
 8 services and facilities set forth in Section 2 of this Act which are specially required by the  
 9 degree of density of development within the district and not for the purpose of providing  
 10 those governmental services and facilities provided to the county or municipality as a whole.  
 11 Any tax, fee, or assessment so levied shall be collected by Glynn County in the same manner  
 12 as taxes, fees, and assessments are levied by the county. Delinquent taxes shall bear the  
 13 same interest and penalties as Glynn County ad valorem taxes and may be enforced and  
 14 collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less  
 15 a fee to cover the costs of collection of 1 percent thereof, but not more than \$25,000.00 in  
 16 any one calendar year, shall be transmitted by Glynn County to the board and shall be  
 17 expended by the board only for the purposes authorized hereby.

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

21 (c) If, but for this provision, a parcel of real property is removed from a district or otherwise  
 22 would become nontaxable, it shall continue to bear the tax millage levied by the district then  
 23 extant upon such parcel for bonded indebtedness of the district then outstanding until said  
 24 bonded indebtedness is paid or refunded.

## 25 **SECTION 7.**

### 26 **Boundaries of the district.**

27 (a) The boundaries of the district shall be as designated as such by the Glynn County Board  
 28 of Commissioners as set forth in the resolution required in Section 4 hereof, or as may  
 29 thereafter be added as hereinafter provided.

30 (b) The boundaries of the district may be increased after the initial creation of a district if:

- 31 (1) Written consent of the owners of any real property sought to be annexed is first
- 32 obtained;
- 33 (2) The board of the district adopts a resolution consenting to the annexation; and

1 (3) A resolution is adopted which grants consent to the annexation by the governing  
2 authority of Glynn County and such municipalities as may have area within the district  
3 before or after the annexation.

4 **SECTION 8.**

5 Debt.

6 Except as otherwise provided in this section, the district may incur debt without regard to the  
7 requirements of Article IX, Section V of the Constitution of Georgia, which debt shall be  
8 backed by the full faith and credit and taxing power of the district but shall not be an  
9 obligation of the State of Georgia or any other unit of government of the State of Georgia  
10 other than the district.

11 **SECTION 9.**

12 Cooperation with local governments.

13 The services and facilities provided pursuant hereto may be provided for in a cooperation  
14 agreement executed jointly by the board and the governing body of Glynn County and any  
15 municipalities within which the district is partially located. The provisions of this section  
16 shall in no way limit the authority of Glynn County or any such municipality to provide  
17 services or facilities within the district; and Glynn County or such municipalities shall retain  
18 full and complete authority and control over any of its facilities located within its respective  
19 areas of any district. Said control shall include but not be limited to the modification of,  
20 access to, and degree and type of services provided through or by facilities of the  
21 municipality or county. Nothing contained in this section shall be construed to limit or  
22 preempt the application of any governmental laws, ordinances, resolutions, or regulations to  
23 the district or the services or facilities provided therein.

24 **SECTION 10.**

25 Powers.

26 (a) The district and the board created pursuant hereto shall have all of the powers necessary  
27 or convenient to carry out and effectuate the purposes and provisions hereof, including,  
28 without limiting the generality of the foregoing, the power:

- 29 (1) To bring and defend actions;  
30 (2) To adopt and amend a corporate seal;

1 (3) To make and execute contracts, agreements, and other instruments necessary or  
2 convenient to exercise the powers of the board or to further the public purposes for which  
3 the district is created, including, but not limited to, contracts for construction of projects,  
4 leases of projects, contracts for sale of projects, agreements for loans to finance projects,  
5 contracts with respect to the use of projects, and agreements with other jurisdictions or  
6 community improvement districts regarding multijurisdictional projects or services or for  
7 other cooperative endeavors to further the public purposes of the district;

8 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and  
9 personal property of every kind and character, or any interest therein, in furtherance of  
10 the public purposes of the district;

11 (5) To finance (by loan, grant, lease, or otherwise), construct, erect, assemble, purchase,  
12 acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve,  
13 install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any  
14 project from the proceeds of the district or any other funds of the district, or from any  
15 contributions or loans by persons, corporations, partnerships (whether limited or general),  
16 or other entities, all of which the board is authorized to receive, accept, and use;

17 (6) To borrow money to further or carry out its public purposes and to execute bonds,  
18 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale  
19 of its bonds, notes, or other obligations, loan agreements, security agreements,  
20 assignments, and such other agreements or instruments as may be necessary or desirable,  
21 in the judgment of the board, to evidence and to provide security for such borrowing;

22 (7) To issue bonds, notes, or other obligations of the district and use the proceeds thereof  
23 for the purpose of paying all or any part of the cost of any project and otherwise to further  
24 or carry out the public purposes of the district and to pay all reasonably incurred costs of  
25 the board incidental to, or necessary and appropriate to, furthering or carrying out such  
26 purposes;

27 (8) To make application directly or indirectly to any federal, state, county, or municipal  
28 government or agency or to any other source, whether public or private, for loans, grants,  
29 guarantees, or other financial assistance in furtherance of the district's public purposes  
30 and to accept and use the same upon such terms and conditions as are prescribed by such  
31 federal, state, county, or municipal government or agency or other source;

32 (9) To enter into agreements with the federal government or any agency thereof to use  
33 the facilities or services of the federal government or any agency thereof in order to  
34 further or carry out the public purposes of the district;

35 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, state  
36 institutions, or any municipal corporation, county, or political subdivision of this state for  
37 the use by the district of any facilities or services of the state or any such state institution,

1 municipal corporation, county, or political subdivision of this state, or for the use by any  
2 state institution or any municipal corporation, county, or political subdivision of the state  
3 of any facilities or services of the district, provided that such contracts shall deal with  
4 such activities and transactions as the district and any such political subdivision with  
5 which the district contracts are authorized by law to undertake;

6 (11) Whenever bonds of such district have been validated as provided in this Act, to  
7 issue, from time to time, its notes in anticipation of the issuance of such bonds as  
8 validated and to renew, from time to time, any such notes by the issuance of new notes,  
9 whether the notes to be renewed have or have not matured. A district may issue notes  
10 only to provide funds which would otherwise be provided by the issuance of the bonds  
11 as validated. The notes may be authorized, sold, executed, and delivered in the same  
12 manner as bonds. As with its bonds, such district may sell such notes at public or private  
13 sale. Any resolution or resolutions authorizing notes of a district or any issue thereof may  
14 contain any provisions which such district is authorized to include in any resolution or  
15 resolutions authorizing bonds of such district or any issue thereof, and a district may  
16 include in any notes any terms, covenants, or conditions which it is authorized to include  
17 in any bonds. Validation of such bonds shall be a condition precedent to the issuance of  
18 the notes, but it shall not be required that such notes be judicially validated. Bond  
19 anticipation notes shall not be issued in an amount exceeding the par value of the bonds  
20 in anticipation of which they are to be issued;

21 (12) To grant, mortgage, convey, assign, or pledge its property, revenues or taxes, or fees  
22 or assessments to be received as security for its bonds, notes, or other indebtedness and  
23 obligations;

24 (13) To receive and use the proceeds of any tax levied by any county or any municipal  
25 corporation to pay the costs of any project or for any other purpose for which the board  
26 may use its own funds pursuant hereto;

27 (14) To receive and administer gifts, grants, and devises of money and property of any  
28 kind and to administer trusts;

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

34 (16) To appoint, select, and employ engineers, surveyors, architects, urban or city  
35 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their  
36 expenses;

1 (17) To encourage and promote the improvement and development of the district and to  
 2 make, contract for, or otherwise cause to be made long-range plans or proposals for the  
 3 district in cooperation with Glynn County and any municipal corporations in which the  
 4 district is wholly or partially located;

5 (18) To invest its funds, whether derived from the issuance of its bonds or otherwise, in  
 6 such manner as it may deem prudent and appropriate, without further restriction;

7 (19) To adopt bylaws governing the conduct of business by the board, the election and  
 8 duties of officers of the board, and other matters which the board determines to deal with  
 9 in its bylaws;

10 (20) To exercise any power granted by the laws of this state to public or private  
 11 corporations which is not in conflict with the public purposes of the district; and

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

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

#### 16 **SECTION 11.**

17 Construction; notice, proceeding, publication, referendum.

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

#### 21 **SECTION 12.**

22 Bonds—generally.

23 (a) Notes or other obligations issued by the district other than general obligation bonds shall  
 24 be paid solely from the property, revenues, or other sources pledged to pay such notes or  
 25 other obligations. General obligation bonds issued by the district shall constitute a general  
 26 obligation of the district to the repayment of which the full faith and credit and taxing power  
 27 of the district shall be pledged.

28 (b) All bonds, notes, and other obligations of the district shall be authorized by resolution  
 29 of its board, adopted by a majority vote of the board members at a regular or special meeting.

30 (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time  
 31 or times not more than 40 years from their respective dates, shall bear interest at such rate  
 32 or rates which may be fixed or may fluctuate or otherwise change from time to time, shall  
 33 be subject to redemption on such terms, and shall contain such other terms, provisions,

1 covenants, assignments, and conditions as the resolution authorizing the issuance of such  
2 bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants,  
3 assignments, and conditions contained in or provided or permitted by any resolution of the  
4 board authorizing the issuance of such bonds, notes, or other obligations shall bind the board  
5 members of the district then in office and their successors.

6 (d) The board shall have power from time to time and whenever it deems it expedient to  
7 refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded  
8 have matured, and may issue bonds partly to refund bonds then outstanding and partly for  
9 any other purpose permitted hereunder. The refunding bonds may be exchanged for the  
10 bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and  
11 the proceeds applied to the purchase or redemption of the bonds to be refunded.

12 (e) There shall be no limitation upon the interest rates or any maximum interest rate or rates  
13 on any bonds, notes, or other obligations of the district; and the usury laws of this state shall  
14 not apply to bonds, notes, or other obligations of the district.

15 (f) Bonds issued by the district may be in such form, either coupon or fully registered, or  
16 both coupon and fully registered, and may be subject to such exchangeability and  
17 transferability provisions as the bond resolution authorizing the issuance of such bonds or  
18 any indenture or trust agreement may provide.

19 (g) Bonds issued by the district shall be validated under and in accordance with Article 3 of  
20 Chapter 82 of Title 36 of the O.C.G.A., known as the "Revenue Bond Law," or in accordance  
21 with such other successor provision governing bond validation generally as may be provided  
22 by law. Bonds shall bear a certificate of validation. The signature of the clerk of the Superior  
23 Court of Glynn County may be made on the certificate of validation of such bonds by  
24 facsimile or by manual execution, stating the date on which such bonds were validated; and  
25 such entry shall be original evidence of the fact of judgment and shall be received as original  
26 evidence in any court in this state.

27 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear, and the  
28 principal amount and maturities of such said bonds, the notice to the district attorney or the  
29 Attorney General, the notice to the public of the time, place, and date of the validation  
30 hearing, and the petition and complaint for validation may state that the bonds when issued  
31 will bear interest at a rate not exceeding a maximum per annum rate of interest which may  
32 be fixed or may fluctuate or otherwise change from time to time and that the principal  
33 amount will not exceed and the final maturity date will not be later than as specified in such  
34 notices and petition and complaint or may state that, in the event the bonds are to bear  
35 different rates of interest for different maturity dates, none of such rates will exceed the  
36 maximum rate which may be fixed or may fluctuate or otherwise change time to time so  
37 specified; provided, however, that nothing in this subsection shall be construed as prohibiting

1 or restricting the right of the board to sell such bonds at a discount, even if in doing so the  
 2 effective interest cost resulting therefrom would exceed the maximum per annum interest rate  
 3 specified in such notices and in the petition and complaint.

4 (i) The terms "cost of the project" and "cost of any project" shall have the meaning  
 5 prescribed herein whenever those terms are referred to in bond resolutions of the board, in  
 6 bonds, notes, or other obligations of the district, or in notices or proceedings to validate such  
 7 bonds, notes, or other obligations of the district.

8 **SECTION 13.**

9 Authorized contents of agreements and instruments of the board generally;  
 10 use of proceeds of sale of bonds, notes, etc.;  
 11 subsequent issues of bonds, notes, etc.

12 (a) Subject to the limitations and procedures provided by this section and by the immediately  
 13 preceding section, the agreements or instruments executed by the board may contain such  
 14 provisions not inconsistent with law as shall be determined by such board.

15 (b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by  
 16 the district shall be held and used for the ultimate purpose of paying, directly or indirectly  
 17 as permitted herein, all or part of the cost of any project, or for the purpose of refunding any  
 18 bonds, notes, or other obligations issued in accordance hereunder.

19 (c) Issuance by the board of one or more series of bonds, notes, or other obligations for one  
 20 or more purposes shall not preclude it from issuing other bonds, notes, or other obligations  
 21 in connection with the same project or with any other projects; but the proceeding wherein  
 22 any subsequent bonds, notes, or other obligations are issued shall recognize and protect any  
 23 prior loan agreement, security agreement, or other agreement or instrument made for any  
 24 prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such  
 25 prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or  
 26 other obligations on a parity with such prior issue.

27 **SECTION 14.**

28 Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the "Georgia  
 29 Securities Act of 1973"; notice, proceeding, publication, referendum.

30 This Act shall be liberally construed to effect the purposes hereof. The offer, sale, or  
 31 issuance of bonds, notes, or other obligations by the district shall not be subject to regulation  
 32 under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of 1973." No notice,

1 proceeding, or publication except those required hereby shall be necessary to the  
 2 performance of any act authorized hereby, nor shall any such act be subject to referendum.

3 **SECTION 15.**

4 Dissolution.

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

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

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

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

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

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

23 (b) At the official caucus of electors at which board members are to be elected in the sixth  
 24 year following creation of the district, and every sixth year thereafter, the question shall be  
 25 put to the electors present to dissolve the community improvement district. Upon an  
 26 affirmative vote of a majority of the electors present and voting, who shall represent at least  
 27 75 percent of the votes cast on the basis of value, the board shall send a ballot to each owner  
 28 of property subject to taxes, fees, and assessments levied by the board for a vote on the  
 29 dissolution. Upon receipt of ballots consenting to the dissolution from a majority of the  
 30 property owners, who shall represent at least 75 percent of the assessed value of said  
 31 properties, the board shall request dissolution by the governing authority and shall forward  
 32 said ballots to the Glynn County tax commissioner for certification.

33 (c) In the event that successful action is taken pursuant to this section to dissolve the district,  
 34 the dissolution shall become effective at such time as all debt obligations of the district have  
 35 been satisfied. Following a successful dissolution action and until the dissolution becomes

1 effective, no new projects may be undertaken, obligations or debts incurred, or property  
2 acquired.

3 (d) Upon a successful dissolution action, all noncash assets of the district other than public  
4 facilities or land or easements to be used for such public facilities, as described in Section  
5 2 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be applied  
6 to the repayment of any debt obligation of the district. Any cash remaining after all  
7 outstanding obligations are satisfied shall be refunded to each property owner in direct  
8 proportion to the total amount in taxes, fees, or assessments paid by the property owner  
9 relative to the total revenues paid by all properties in the district.

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

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

15 **SECTION 16.**

16 Repealer.

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