

House Bill 295 (AS PASSED HOUSE AND SENATE)

By: Representatives Millar of the 79th, Watson of the 91st, Jacobs of the 80th, Chambers of the 81st, Mitchell of the 88th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act entitled the "Unincorporated DeKalb County Community Improvement
2 District Act of 1998," approved April 2, 1998 (Ga. L. 1998, p. 4228), as amended by an Act
3 approved January 7, 1999 (Ga. L. 1999, p. 4805), so as to increase the number of board
4 members on the governing body of the community improvement district authorized by such
5 Act; to change the provisions relating to filling vacancies on the governing body of the
6 community improvement district; to provide for appointment of an elector to fill a vacancy
7 in certain circumstances; to provide for the term of service of such appointed members; to
8 limit the number of appointed members serving simultaneously; to provide for a special
9 election to fill a vacancy in certain circumstances; to provide for an effective date; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 An Act entitled the "Unincorporated DeKalb County Community Improvement District Act
14 of 1998," approved April 2, 1998 (Ga. L. 1998, p. 4228), as amended by an Act approved
15 January 7, 1999 (Ga. L. 1999, p. 4805), is amended by striking subsections (a), (b), and (c)
16 of Section 5, relating to the filling of vacancies on the board, in their entirety and substituting
17 in lieu thereof new subsections (a), (b), and (c) to read as follows:

18 "(a) The district created pursuant to this Act shall be administered by a board composed
19 of up to nine members to be appointed and elected as provided by this Act. Two board
20 members shall be appointed by the governing authority of DeKalb County; the remaining
21 board members shall be elected by the owners of real property within the district subject
22 to taxes, fees, and assessments levied by the board. The appointed board members shall
23 serve at the pleasure of the governing authority of DeKalb County which appointed such
24 members. The initial elected board members shall serve for terms of office as follows: two
25 shall serve for two years, and three shall serve for four years. If authorized by proper
26 action of the board, at the first date for election of board members in 2005, or at any future

1 biennial caucus of electors as provided in subsection (b) of this section, there shall be
2 added up to two additional elected board members, for a total number of up to nine board
3 members. Of the additional authorized elected board members, if necessary to provide
4 staggered terms, one shall serve for two years, and one shall serve for four years.
5 Thereafter, all terms of office for all elected board members shall be for four years.

6 (b) The initial board members to be elected as provided in subsection (a) of this section
7 shall be elected in a caucus of electors which shall be held within 60 days after the adoption
8 of the resolution and the obtaining of the written consents provided by this Act at such time
9 and place within the district as the Board of Commissioners of DeKalb County shall
10 designate after notice thereof shall have been given to said electors by:

- 11 (1) Publishing such notice in the legal organ of DeKalb County as provided by this Act;
- 12 and
- 13 (2) Contacting each elector by United States mail at the address indicated in the property
14 tax rolls.

15 Thereafter, there shall be conducted biennially, not later than 60 days following the last day
16 for filing ad valorem real property tax returns in DeKalb County, a caucus of said electors
17 at such time and place within the district as the board shall designate in such notice for the
18 purpose of electing board members to those positions which have terms expiring or are
19 vacant. If a vacancy occurs in an elected position on the board, the remaining members of
20 the board shall by majority vote, within 60 days, appoint an elector to fill the vacancy. A
21 board member appointed by majority vote of the board to fill a vacancy shall only serve
22 until the next regularly scheduled election, regardless of the actual duration of the
23 unexpired term of the board member vacating the position. At no time shall the board
24 include more than two members who were appointed by other board members. If a
25 vacancy does occur while two board members appointed by other members of the board
26 are currently serving, then a special election shall be called to fill the unexpired term as
27 provided for in this subsection. If a vacancy occurs for which a special election is required,
28 the board shall, within 60 days thereof, call such election to be held within 60 days of the
29 call unless such vacancy occurs within 180 days of the next regularly scheduled election,
30 in which case a special election may, but need not, be called. For any election held
31 hereunder, notice thereof shall be given to said electors by:

- 32 (1) Publishing notice thereof in the legal organ of DeKalb County, on four dates, at least
33 45 days, 31 days, 17 days, and ten days, respectively, prior to such election; and
- 34 (2) Sending by United States mail a notice to each elector at least 31 days prior to such
35 election at the address indicated in the property tax rolls.

36 (c) One board member shall be elected by majority vote of the electors present and voting
37 at the caucus on the basis of one vote for each elector. Said board member shall be elected

1 to a term of office of two years at the initial caucus of electors when the board is first
2 formed and to terms of office of four years thereafter. The remaining elected board
3 members shall be elected by a majority of the votes cast by the electors present and voting
4 at the caucus, with each elector having one vote for each \$1,000.00 or fraction thereof in
5 assessed value of the real property owned by the elector subject to taxes, fees, or
6 assessments levied by the board. Except as provided in subsection (b) of this section, all
7 vacancies to be filled through election shall be filled by majority vote in the same manner
8 as the board member previously holding the seat."

9 **SECTION 2.**

10 This Act shall become effective upon its approval by the Governor or upon its becoming law
11 without such approval.

12 **SECTION 3.**

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