

House Bill 1484

By: Representatives Mills of the 25th, Collins of the 27th, Rogers of the 26th, and Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

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

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 style="text-align:center">Short title.

14 This Act shall be known and may be cited as the "Hall County Community Improvement
15 Districts Act of 2008."

16 style="text-align:center">**SECTION 2.**

17 style="text-align:center">Purpose.

18 The purpose of this Act shall be to provide for the creation of one or more community
19 improvement districts within unincorporated Hall County, and such districts shall be created
20 for the provision of such of the following governmental services and facilities as may be
21 provided for in the resolution activating each district created pursuant to this Act, or as may
22 be adopted by a caucus of electors as defined in this Act:

- 23 (1) Street and road construction and maintenance, including curbs, sidewalks, street
24 lights, and devices to control the flow of traffic on streets and roads;
25 (2) Parks and recreational areas and facilities;

- 1 (3) Storm water and sewage collection and disposal systems;
- 2 (4) Development, storage, treatment, purification, and distribution of water;
- 3 (5) Public transportation;
- 4 (6) Terminal and dock facilities and parking facilities; and
- 5 (7) Such other services and facilities as may be provided for by general law.

6 SECTION 3.

7 Definitions.

8 As used in this Act, the term:

- 9 (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale
10 or use, including the growing of field crops and fruit or nut trees, the raising of livestock
11 or poultry, and the operation of dairies, horse boarding facilities, and riding stables.
- 12 (2) "Board" means the governing body created for the governance of each community
13 improvement district authorized by this Act.
- 14 (3) "Caucus of electors" means for each district the meeting of electors as provided in
15 this Act at which the elected board members of the district are elected or at which the
16 governmental services and facilities to be provided by the district are determined. A
17 quorum at such caucus shall consist of those electors present, and a majority of those
18 present and voting shall be necessary to take action. No proxy votes may be cast. Notice
19 of any such meeting shall be given to said electors and equity electors by publishing
20 notice thereof in the legal organ of Hall County at least once each week for four weeks
21 prior to such meeting.
- 22 (4) "Cost of the project" or "cost of any project" means and includes:
 - 23 (A) All costs of acquisition by purchase or otherwise, construction, assembly,
24 installation, modification, renovation, or rehabilitation incurred in connection with any
25 project or any part of any project;
 - 26 (B) All costs of real property, fixtures, or personal property used in or in connection
27 with or necessary for any project or for any facilities related thereto, including, but not
28 limited to, the cost of all land, estates for years, easements, rights, improvements, water
29 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and
30 certificates; the cost of securing any such franchises, permits, approvals, licenses, or
31 certificates; the cost of preparation of any application therefor; and the cost of all
32 fixtures, machinery, equipment including all transportation equipment and rolling stock,
33 furniture, and other property used in or in connection with or necessary for any project;
 - 34 (C) All financing charges and loan fees and all interest on bonds, notes, or other
35 obligations of a district which accrue or are paid prior to and during the period of

1 construction of a project and during such additional period as the board may reasonably
2 determine to be necessary to place such project in operation;

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

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

7 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust
8 agreement, indenture of trust, or similar instrument or agreement; all expenses incurred
9 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses
10 incurred relative to the issuances of any bonds, notes, or other obligations for any
11 project;

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

14 (H) All costs of plans and specifications for any project;

15 (I) All costs of title insurance and examinations of title with respect to any project;

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

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

21 (L) The establishment of a fund or funds for the creation of a debt service reserve, a
22 renewal and replacement reserve, or such other funds or reserves as the board may
23 approve with respect to the financing and operation of any project and as may be
24 authorized by any bond resolution, trust agreement, indenture of trust, or similar
25 instrument or agreement pursuant to the provisions of which the issuance of any bonds,
26 notes, or other obligations of the district may be authorized.

27 Any cost, obligation, or expense incurred for any of the purposes outlined in this
28 paragraph shall be a part of the cost of the project and may be paid or reimbursed as such
29 out of the proceeds of bonds, notes, or other obligations issued by the district.

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

36 (6) "Electors" means the owners of real property used nonresidentially within the district
37 which is subject to taxes, fees, and assessments levied by the board, as they appear on the

1 most recent ad valorem real property tax return records of Hall County or one officer or
2 director of a corporate elector, one trustee of a trust which is an elector, one partner of a
3 partnership elector, or one designated representative of an elector whose designation is
4 made in writing. An owner of property that is subject to taxes, fees, or assessments
5 levied by the board shall have one vote for an election based on numerical majority. An
6 owner of multiple parcels has one vote, not one vote per parcel, for an election based on
7 numerical majority. Multiple owners of one parcel have one vote for an election based
8 on numerical majority which must be cast by one of their number who is designated in
9 writing.

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

25 (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 of value of
26 all owned real property within the district which is then subject to taxes, fees, and
27 assessments levied by the board. The value of real property shall be the assessed value.
28 In the event the owner shall be a corporation, trust, partnership, multiple owners, or any
29 other entity, one person shall be designated as elector and such designation shall be made
30 in writing.

31 (9) "Forestry" means the planting and growing of trees for sale in a program which
32 includes reforestation of harvested trees, regular underbrush and undesirable growth
33 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree
34 farming operation. Such term does not include the casual growing of trees on land
35 otherwise idle or held for investment, even though some harvesting of trees may occur
36 thereon.

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

12 (11) "Property owner" or "owner of real property" means any entity or person shown as
13 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
14 records of Hall County within the district. Ownership as shown by the most recent ad
15 valorem real property tax records of Hall County shall be prima-facie proof of ownership.
16 Multiple owners of one parcel shall constitute one property owner and shall designate in
17 writing one of their number to represent the whole.

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

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

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

31 **SECTION 4.**

32 **Creation.**

33 Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is
34 created one or more community improvement districts to be located in the unincorporated
35 area of Hall County, Georgia, each of which shall be activated upon compliance with the

1 conditions set forth in this section. Each district shall be governed by a board constituted by
2 this Act. The conditions for such activation shall be:

3 (1) The adoption of a resolution consenting to the creation of each community
4 improvement district by the governing authority of Hall County; and

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

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

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

12 The written consent provided for in this paragraph shall be submitted to the tax
13 commissioner of Hall County, who shall certify whether subparagraphs (A) and (B) of
14 this paragraph have been satisfied with respect to each such proposed district. No district
15 or board created under this Act shall transact any business or exercise any powers under
16 this Act until the foregoing conditions are met. A copy of such resolutions shall be filed
17 with the Secretary of State, who shall maintain a record of all districts activated under this
18 Act, and with the Department of Community Affairs.

19 **SECTION 5.**

20 Administration, appointment, and election of board members.

21 (a) Each district created pursuant to this Act shall be administered by a board composed
22 of seven board members to be appointed and elected as provided in this section. Two
23 board members shall be appointed by the governing authority of Hall County. Two board
24 members shall be elected by vote of the electors; and three members shall be elected by the
25 vote of equity electors. The members representing the electors and equity electors shall be
26 elected to serve in post positions 1 through 5, respectively. Each elected board member
27 must receive a majority of the votes cast for the post for which he or she is a candidate.
28 Votes for posts 1 and 2 shall be cast by electors and votes for posts 3, 4, and 5 shall be cast
29 by equity electors. The initial term of office for the members representing posts 1 and 4
30 shall be one year. The initial term of office for the members representing posts 2 and 5
31 shall be two years, and the initial term of office of the members representing post 3 shall
32 be three years. Thereafter, all terms of office for the elected board members shall be for
33 three years. The appointed board members shall serve at the pleasure of the governing
34 authority of Hall County.

35 (b) The initial board members to be elected as provided in subsection (a) of this section
36 shall be elected in a caucus of electors which shall be held within 90 days after the adoption

1 of the resolutions and obtaining the written consents herein provided at such time and place
 2 within the district as the governing authority of Hall County shall designate after notice
 3 thereof has been given to said electors as provided in this Act. Thereafter, there shall be
 4 conducted biennially, not later than 60 days following the last day for filing ad valorem real
 5 property tax returns in Hall County, a caucus of said electors at such time and place within
 6 the district as the board shall designate in such notice for the purpose of electing board
 7 members to those board member positions whose terms expire or are vacant. If a vacancy
 8 occurs in an elected position on the board, the board shall, within 60 days thereof, call a
 9 special election to fill the same to be held within 60 days of the call unless such vacancy
 10 occurs within 180 days of the next regularly scheduled election, in which case a special
 11 election may, but need not, be called.

12 (c) Board members shall be subject to recall as any other elected public official by the
 13 electors defined by this Act.

14 (d) Board members shall receive no compensation for their services, but shall be
 15 reimbursed for actual expenses incurred in the performance of their duties. They shall elect
 16 one of their number as chairperson and another as vice chairperson. They shall also elect
 17 a secretary and a treasurer, or a secretary-treasurer, any of whom may, but need not, be a
 18 member of the board or an elector.

19 (e) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to
 20 the election of district board members. The district board may adopt such bylaws not
 21 inconsistent with this Act to provide for any matter concerning such elections.

22 **SECTION 6.**

23 Taxes, fees, and assessments.

24 (a) The board may levy taxes, fees, and assessments within the district only on real
 25 property used nonresidentially, specifically excluding all property exempt from ad valorem
 26 taxation under the Constitution or laws of the State of Georgia; all property used for
 27 residential, agricultural, or forestry purposes; and all tangible personal property and
 28 intangible property. Any tax, fee, or assessment so levied shall not exceed 2.5 percent of
 29 the aggregate assessed value of all such real property. The taxes, fees, and assessments
 30 levied by the board shall be equitably apportioned among the properties subject to such
 31 taxes, fees, and assessments according to the need for governmental services and facilities
 32 created by the degree of density of development of each such property. The proceeds of
 33 taxes, fees, and assessments levied by the board shall be used only for the purpose of
 34 providing governmental services and facilities which are specially required by the degree
 35 of density of development within the district and not for the purpose of providing those
 36 governmental services and facilities provided to the county as a whole. Any tax, fee, or

1 assessment so levied shall be collected by Hall County in the same manner as taxes, fees,
 2 and assessments are levied by Hall County. Delinquent taxes shall bear the same interest
 3 and penalties as Hall County ad valorem taxes and may be enforced and collected in the
 4 same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover
 5 the costs of collection of 1 percent of such proceeds, but not more than \$25,000.00 in any
 6 one calendar year, shall be transmitted by Hall County to the board and shall be expended
 7 by the board only for the purposes authorized by this Act.

8 (b) The board shall levy the taxes, fees, and assessments in subsection (a) of this section
 9 subsequent to the report of the assessed taxable values for the current calendar year and
 10 notify Hall County in writing so that the district levy may be included on Hall County's
 11 regular ad valorem tax bills.

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

16 (d) Each property owner paying taxes, fees, or assessments levied by the board for any
 17 public facility as set forth in Section 2 of this Act may receive a credit equal to the present
 18 value of all such taxes, fees, and assessments toward any impact fee as may be levied by
 19 Hall County against such property for system improvements which are in the same
 20 category as said public facility in accordance with Chapter 71 of Title 36 of the O.C.G.A.,
 21 the "Georgia Development Impact Fee Act." Application for such development impact fee
 22 credit may be granted by legislative action of the governing authority of Hall County in its
 23 discretion.

24 **SECTION 7.**

25 **Boundaries of the districts.**

26 (a) The boundaries of each district shall be as designated as such by the governing
 27 authority of Hall County as set forth in the resolutions required in Section 4 of this Act, or
 28 as may thereafter be added as provided in this Act.

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

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

34 (2) Written consent of owners of real property within the area sought to be annexed
 35 which constitutes at least 75 percent by value of the property which will be subject to

1 taxes, fees, and assessments levied by the board. For this purpose, value shall be
2 determined by the most recent approved county ad valorem tax digest;

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

5 (4) The adoption of a resolution consenting to the annexation by the governing authority
6 of Hall County.

7 **SECTION 8.**

8 Debt.

9 Except as otherwise provided in this section, each district may incur debt without regard to
10 the requirements of Article IX, Section V of the Constitution of Georgia, or any other
11 provision of law prohibiting or restricting the borrowing of money or the creation of debt by
12 political subdivisions of the State of Georgia, which debt shall be backed by the full faith and
13 credit and taxing power of the district but shall not be an obligation of the State of Georgia
14 or any other unit of government of the State of Georgia other than the district.

15 **SECTION 9.**

16 Cooperation with local governments.

17 The services and facilities provided pursuant to this Act shall be provided for in a
18 cooperation agreement executed jointly by the board and by Hall County. The provisions
19 of this section shall in no way limit the authority of Hall County to provide services or
20 facilities within the district; and Hall County shall retain full and complete authority and
21 control over any of its facilities located within its respective areas of any district. Said
22 control shall include, but not be limited to, the modification of, access to, and degree and
23 type of services provided through or by facilities of the county. Nothing contained in this
24 section shall be construed to limit or preempt the application of any governmental laws,
25 ordinances, resolutions, or regulations to the district or the services or facilities provided
26 therein.

27 **SECTION 10.**

28 Powers.

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

32 (1) To bring and defend actions;

33 (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; to 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 for the
23 purpose of paying all or any part of the cost of any project and otherwise to further or
24 carry out the public purposes of the district and to pay all costs of the board incidental to,
25 or necessary and appropriate to, furthering or carrying out such purposes;

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

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

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

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

5 (11) To receive and use the proceeds of any tax levied by any county to pay the costs of
6 any project or for any other purpose for which the board may use its own funds pursuant
7 hereto;

8 (12) To receive and administer gifts, grants, and devises of money and property of any
9 kind and to administer trusts;

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

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

18 (15) To encourage and promote the improvement and development of the district and to
19 make, contract for, or otherwise cause to be made long-range plans or proposals for the
20 district in cooperation with Hall County;

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

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

26 (18) To create, provide, enhance, or supplement public services such as fire, police, and
27 other such services as may be deemed necessary, provided that said public services do
28 not conflict with or duplicate existing Hall County services; and

29 (19) To do all things necessary or convenient to carry out the powers conferred by this
30 section.

31 (b) The powers enumerated in each paragraph of subsection (a) of this section are
32 cumulative of and in addition to those powers enumerated in this section and elsewhere in
33 this Act, and no such power limits or restricts any other power of the board.

34 (c) The powers enumerated in each paragraph of subsection (a) of this section are
35 conferred for an essential governmental function for a public purpose, and the revenues and
36 debt of any district are not subject to taxation.

SECTION 11.

Bonds generally.

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

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

(c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times not more than 40 years from their respective dates, shall bear interest at such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the board authorizing the issuance of such bonds, notes, or other obligations shall bind the board members of the district then in office and their successors.

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

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

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

(g) All bonds issued by a district pursuant to this Act shall be issued and validated under and in accordance with Article 3 of Chapter 82 of Title 36 of O.C.G.A., the "Georgia Revenue Bond Law." The signature of the clerk of the Superior Court of Hall County may be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated; and such entry shall be original

1 evidence of the fact of judgment and shall be received as original evidence in any court in
2 this state.

3 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear and the
4 principal amount and maturities of such bonds, the notice to the district attorney or the
5 Attorney General, the notice to the public of the time, place, and date of the validation
6 hearing, and the petition and complaint for validation may state that the bonds when issued
7 will bear interest at a rate not exceeding a maximum per annum rate of interest which may
8 be fixed or may fluctuate or otherwise change from time to time and that the principal
9 amount will not exceed and the final maturity date will not be later than as specified in such
10 notices and petition and complaint or may state that, in the event the bonds are to bear
11 different rates of interest for different maturity dates, none of such rates will exceed the
12 maximum rate which may be fixed or may fluctuate or otherwise change from time to time
13 so specified; provided, however, that nothing in this subsection shall be construed as
14 prohibiting or restricting the right of a board to sell such bonds at a discount, even if in
15 doing so the effective interest cost resulting would exceed the maximum per annum interest
16 rate specified in such notices and in the petition and complaint.

17 (i) The terms "cost of the project" and "cost of any project" shall have the meaning
18 prescribed in this Act whenever those terms are referred to in bond resolutions of a board,
19 in bonds, notes, or other obligations of the district, or in notices or proceedings to validate
20 such bonds, notes, or other obligations of a district.

21 **SECTION 12.**

22 Authorized contents of agreements and instruments; use of proceeds of sale bonds, notes,
23 and other obligations; subsequent issues of obligations.

24 (a) Subject to the limitations and procedures provided by this section and by Section 11
25 of this Act, the agreements or instruments executed by a board may contain such provisions
26 not inconsistent with law as shall be determined by the board.

27 (b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by
28 a district shall be held and used for the ultimate purpose of paying, directly or indirectly
29 as permitted by this Act, all or part of the cost of any project, or for the purpose of
30 refunding any bonds, notes, or other obligations issued in accordance with this Act.

31 (c) Issuance by a board of one or more series of bonds, notes, or other obligations for one
32 or more purposes shall not preclude it from issuing other bonds, notes, or other obligations
33 in connection with the same project or with any other projects; but the proceeding wherein
34 any subsequent bonds, notes, or other obligations are issued shall recognize and protect any
35 prior loan agreement, security agreement, or other agreement or instrument made for any
36 prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such

1 prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or
2 other obligations on a parity with such prior issue.

3 (d) In the event that any district shall be terminated in accordance with this Act, the board
4 shall serve until December 31 of the year in which termination shall be approved for the
5 purpose of concluding any ongoing matters and projects, but, if such cannot be concluded
6 by December 31, then the governing authority of the county shall assume the duties of the
7 administrative board and shall be expressly authorized to exercise the authority of the
8 administrative board. In the alternative, the governing authority of the county may, by
9 resolution, assume all rights and obligations of the district, either bonds or otherwise, and
10 the district shall cease to exist upon the adoption of such resolution.

11 **SECTION 13.**

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

14 This Act shall be liberally construed to effect the purposes hereof. The offer, sale, or
15 issuance of bonds, notes, or other obligations by a district shall not be subject to regulation
16 under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of 1973." No
17 notice, proceeding, or publication except those required hereby shall be necessary to the
18 performance of any act authorized hereby, nor shall any such act be subject to referendum.

19 **SECTION 14.**

20 Dissolution.

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

23 (1) The adoption of a resolution approving of the dissolution of each community
24 improvement district by the governing authority of Hall County; and

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

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

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

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

1 (b) At the official caucus of electors at which board members are to be elected in the tenth
 2 year following creation of the district, and every tenth year thereafter, the question shall be
 3 put to the electors present to dissolve the community improvement district. Upon an
 4 affirmative vote of two-thirds of the electors present and voting, who shall represent at least
 5 75 percent of the votes cast on the basis of value, the board shall send a ballot to each
 6 owner of property subject to taxes, fees, and assessments levied by the board for a vote on
 7 the dissolution. Upon receipt of ballots consenting to the dissolution from a majority of the
 8 property owners, who shall represent at least 75 percent of the assessed value of said
 9 properties, the board shall request dissolution by the governing authority and shall forward
 10 said ballots to the Hall County tax commissioner for certification.

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

16 (d) Upon a successful dissolution action, all noncash assets of the district other than public
 17 facilities or land or easements to be used for such public facilities, as described in Section
 18 2 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be
 19 applied to the repayment of any debt obligation of the district. Any cash remaining after
 20 all outstanding obligations are satisfied shall be refunded to Hall County.

21 (e) When a dissolution becomes effective, the county governing authority shall take title
 22 to all property previously in the ownership of the district and all taxes, fees, and
 23 assessments of the district shall cease to be levied and collected.

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

25 **SECTION 15.**

26 Severability.

27 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
 28 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
 29 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
 30 force and effect as if the section, subsection, sentence, clause, or phrase so declared or
 31 adjudged invalid or unconstitutional were not originally a part hereof. The General
 32 Assembly declares that it would have passed the remaining parts of this Act if it had known
 33 that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

