

House Bill 496 (AS PASSED HOUSE AND SENATE)

By: Representatives Hill of the 21<sup>st</sup>, Byrd of the 20<sup>th</sup>, Jerguson of the 22<sup>nd</sup>, and Hamilton of the 23<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the creation of one or more community improvement districts in the City of  
2 Woodstock; to provide for a short title; to provide for the purposes of such districts; to  
3 provide for definitions; to provide for boards to administer said districts; to provide for the  
4 appointment and election of members of such boards; to provide for taxes, fees, and  
5 assessments; to provide for the boundaries of such districts; to provide for debt of such  
6 districts including bonded indebtedness; to provide for cooperation with local governments;  
7 to provide for powers of such boards; to provide for construction; to provide that no notice,  
8 proceeding, publication, or referendum shall be required; to provide for dissolutions; to  
9 provide the procedures connected with all of the foregoing; to provide for an effective date;  
10 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 "City of Woodstock Community  
15 Improvement Districts Act of 2009."

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 the City of Woodstock, and such districts shall be created for  
20 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;  
 26 (3) Storm water and sewage collection and disposal systems;  
 27 (4) Development, storage, treatment, purification, and distribution of water;  
 28 (5) Public transportation;  
 29 (6) Terminal and dock facilities and parking facilities; and  
 30 (7) Such other services and facilities as may be provided for by general law.

### 31 SECTION 3.

#### 32 Definitions.

33 As used in this Act, the term:

- 34 (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale  
 35 or use, including the growing of field crops and fruit or nut trees, the raising of livestock  
 36 or poultry, and the operation of dairies, horse boarding facilities, and riding stables.  
 37 (2) "Board" means the governing body created for the governance of each community  
 38 improvement district authorized by this Act.  
 39 (3) "Caucus of electors" means for each district the meeting of electors as provided in  
 40 this Act at which the elected board members of the district are elected or at which the  
 41 governmental services and facilities to be provided by the district are determined. A  
 42 quorum at such caucus shall consist of those electors present, and a majority of those  
 43 present and voting shall be necessary to take action. No proxy votes may be cast. Notice  
 44 of any such meeting shall be given to said electors and equity electors by publishing  
 45 notice thereof in the legal organ of Cherokee County at least once each week for four  
 46 weeks prior to such meeting.  
 47 (4) "Cost of the project" or "cost of any project" means and includes:  
 48 (A) All costs of acquisition by purchase or otherwise, construction, assembly,  
 49 installation, modification, renovation, or rehabilitation incurred in connection with any  
 50 project or any part of any project;  
 51 (B) All costs of real property, fixtures, or personal property used in or in connection  
 52 with or necessary for any project or for any facilities related thereto, including, but not  
 53 limited to, the cost of all land, estates for years, easements, rights, improvements, water  
 54 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and  
 55 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
 56 certificates; the cost of preparation of any application therefor; and the cost of all

- 57 fixtures, machinery, equipment including all transportation equipment and rolling stock,  
58 furniture, and other property used in or in connection with or necessary for any project;
- 59 (C) All financing charges and loan fees and all interest on bonds, notes, or other  
60 obligations of a district which accrue or are paid prior to and during the period of  
61 construction of a project and during such additional period as the board may reasonably  
62 determine to be necessary to place such project in operation;
- 63 (D) All costs of engineering, surveying, architectural, and legal services and all  
64 expenses incurred by engineers, surveyors, architects, and attorneys in connection with  
65 any project;
- 66 (E) All expenses for inspection of any project;
- 67 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust  
68 agreement, indenture of trust, or similar instrument or agreement; all expenses incurred  
69 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses  
70 incurred relative to the issuances of any bonds, notes, or other obligations for any  
71 project;
- 72 (G) All expenses of or incidental to determining the feasibility or practicability of any  
73 project;
- 74 (H) All costs of plans and specifications for any project;
- 75 (I) All costs of title insurance and examinations of title with respect to any project;
- 76 (J) Repayment of any loans made for the advance payment of any part of the foregoing  
77 costs, including interest thereon and any other expenses of such loans;
- 78 (K) Administrative expenses of the board and such other expenses as may be necessary  
79 for or incidental to any project or the financing thereof or the placing of any project in  
80 operation; and
- 81 (L) The establishment of a fund or funds for the creation of a debt service reserve, a  
82 renewal and replacement reserve, or such other funds or reserves as the board may  
83 approve with respect to the financing and operation of any project and as may be  
84 authorized by any bond resolution, trust agreement, indenture of trust, or similar  
85 instrument or agreement pursuant to the provisions of which the issuance of any bonds,  
86 notes, or other obligations of the district may be authorized.

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

90 (5) "District" means the geographical area designated as such by the resolution of the  
91 governing body consenting to the creation of the community improvement district or as  
92 thereafter modified by any subsequent resolution of the governing body within which the  
93 district is or is to be located or a body corporate and politic being a community

94 improvement district created and activated pursuant to this Act as the context requires or  
95 permits.

96 (6) "Electors" means the owners of real property used nonresidentially within the district  
97 which is subject to taxes, fees, and assessments levied by the board, as they appear on the  
98 most recent ad valorem real property tax return records of Cherokee County or one  
99 officer or director of a corporate elector, one trustee of a trust which is an elector, one  
100 partner of a partnership elector, or one designated representative of an elector whose  
101 designation is made in writing. An owner of property that is subject to taxes, fees, or  
102 assessments levied by the board shall have one vote for an election based on numerical  
103 majority. An owner of multiple parcels has one vote, not one vote per parcel, for an  
104 election based on numerical majority. Multiple owners of one parcel have one vote for  
105 an election based on numerical majority which must be cast by one of their number who  
106 is designated in writing.

107 (7) "Equitably apportioned among the properties subject to such taxes, fees, and  
108 assessments according to the need for governmental services and facilities created by the  
109 degree of density of development of each such property," with reference to taxes, fees,  
110 and assessments levied by the board, means that the burden of the taxes, fees, and  
111 assessments shall be apportioned among the properties subject thereto based upon the  
112 values established in the most recent ad valorem tax reassessment of such properties  
113 certified by the chairperson of the Cherokee County Board of Tax Assessors, or such  
114 other body designated by the governing authority of the City of Woodstock, or with  
115 respect to fees and assessments may be apportioned among the properties subject thereto  
116 in direct or approximate proportion to the receipt of services or benefits derived from the  
117 improvements or other activities for which the taxes, fees, or assessments are to be  
118 expended, or with respect to fees and assessments may be apportioned in any other  
119 manner or combination of manners deemed equitable by the board, including, but not  
120 limited to, the recognition of differential benefits which may reasonably be expected to  
121 accrue to new land development in contrast to lands and improvements already in  
122 existence at the time of creation of the community improvement district.

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

129 (9) "Forestry" means the planting and growing of trees for sale in a program which  
130 includes reforestation of harvested trees, regular underbrush and undesirable growth

131 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree  
132 farming operation. Such term does not include the casual growing of trees on land  
133 otherwise idle or held for investment, even though some harvesting of trees may occur  
134 thereon.

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

146 (11) "Property owner" or "owner of real property" means any entity or person shown as  
147 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax  
148 records of the City of Woodstock within the district. Ownership as shown by the most  
149 recent ad valorem real property tax records of the City of Woodstock shall be prima-facie  
150 proof of ownership. Multiple owners of one parcel shall constitute one property owner  
151 and shall designate in writing one of their number to represent the whole.

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

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

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

165 **SECTION 4.**

166 Creation.

167 Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is  
 168 created one or more community improvement districts to be located in the City of Woodstock  
 169 each of which shall be activated upon compliance with the conditions set forth in this section.  
 170 Each district shall be governed by a board constituted by this Act. The conditions for such  
 171 activation shall be:

172 (1) The adoption of a resolution consenting to the creation of each community  
 173 improvement district by the governing authority of the City of Woodstock; and

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

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

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

181 The written consent provided for in this paragraph shall be submitted to the tax  
 182 commissioner of Cherokee County, or such other body as designated by the governing  
 183 authority of the City of Woodstock, who shall certify whether subparagraphs (A) and (B)  
 184 of this paragraph have been satisfied with respect to each such proposed district. No  
 185 district or board created under this Act shall transact any business or exercise any powers  
 186 under this Act until the foregoing conditions are met. A copy of such resolutions shall be  
 187 filed with the Secretary of State, who shall maintain a record of all districts activated  
 188 under this Act, and with the Department of Community Affairs.

189 **SECTION 5.**

190 Administration, appointment, and election of board members.

191 (a) Each district created pursuant to this Act shall be administered by a board composed of  
 192 seven board members to be appointed and elected as provided in this section. Two board  
 193 members shall be appointed by the governing authority of the City of Woodstock. Two  
 194 board members shall be elected by vote of the electors; and three members shall be elected  
 195 by the vote of equity electors. The members representing the electors and equity electors  
 196 shall be elected to serve in post positions 1 through 5, respectively. Each elected board  
 197 member must receive a majority of the votes cast for the post for which he or she is a  
 198 candidate. Votes for posts 1 and 2 shall be cast by electors and votes for posts 3, 4, and 5

199 shall be cast by equity electors. The initial term of office for the members representing posts  
200 1 and 4 shall be one year. The initial term of office for the members representing posts 2 and  
201 5 shall be two years, and the initial term of office of the members representing post 3 shall  
202 be three years. Thereafter, all terms of office for the elected board members shall be for three  
203 years. The appointed board members shall serve at the pleasure of the governing authority  
204 of the City of Woodstock.

205 (b) The initial board members to be elected as provided in subsection (a) of this section shall  
206 be elected in a caucus of electors which shall be held within 90 days after the adoption of the  
207 resolutions and obtaining the written consents herein provided at such time and place within  
208 the district as the governing authority of the City of Woodstock shall designate after notice  
209 thereof has been given to said electors as provided in this Act. Thereafter, there shall be  
210 conducted biennially, not later than 60 days following the last day for filing ad valorem real  
211 property tax returns in the City of Woodstock, a caucus of said electors at such time and  
212 place within the district as the board shall designate in such notice for the purpose of electing  
213 board members to those board member positions whose terms expire or are vacant. If a  
214 vacancy occurs in an elected position on the board, the board shall, within 60 days thereof,  
215 call a special election to fill the same to be held within 60 days of the call unless such  
216 vacancy occurs within 180 days of the next regularly scheduled election, in which case a  
217 special election may, but need not, be called.

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

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

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

## 228 **SECTION 6.**

### 229 Taxes, fees, and assessments.

230 (a) The board may levy taxes, fees, and assessments within the district only on real property  
231 used nonresidentially, specifically excluding all property exempt from ad valorem taxation  
232 under the Constitution or laws of the State of Georgia; all property used for residential,  
233 agricultural, or forestry purposes; and all tangible personal property and intangible property.

234 Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed  
235 value of all such real property. The taxes, fees, and assessments levied by the board shall be  
236 equitably apportioned among the properties subject to such taxes, fees, and assessments  
237 according to the need for governmental services and facilities created by the degree of  
238 density of development of each such property. The proceeds of taxes, fees, and assessments  
239 levied by the board shall be used only for the purpose of providing governmental services  
240 and facilities which are specially required by the degree of density of development within the  
241 district and not for the purpose of providing those governmental services and facilities  
242 provided to the city as a whole. Any tax, fee, or assessment so levied shall be collected by  
243 the City of Woodstock in the same manner as taxes, fees, and assessments are levied by the  
244 City of Woodstock. Delinquent taxes shall bear the same interest and penalties as the City  
245 of Woodstock ad valorem taxes and may be enforced and collected in the same manner. The  
246 proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection  
247 of 1 percent of such proceeds, but not more than \$25,000.00 in any one calendar year, shall  
248 be transmitted by the City of Woodstock to the board and shall be expended by the board  
249 only for the purposes authorized by this Act.

250 (b) The board shall levy the taxes, fees, and assessments in subsection (a) of this section  
251 subsequent to the report of the assessed taxable values for the current calendar year and  
252 notify the City of Woodstock in writing so that the district levy may be included on City of  
253 Woodstock's regular ad valorem tax bills.

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

258 (d) Each property owner paying taxes, fees, or assessments levied by the board for any  
259 public facility as set forth in Section 2 of this Act may receive a credit equal to the present  
260 value of all such taxes, fees, and assessments toward any impact fee as may be levied by the  
261 City of Woodstock against such property for system improvements which are in the same  
262 category as said public facility in accordance with Chapter 71 of Title 36 of the O.C.G.A.,  
263 the "Georgia Development Impact Fee Act." Application for such development impact fee  
264 credit may be granted by legislative action of the governing authority of the City of  
265 Woodstock in its discretion.

266

**SECTION 7.**

267

Boundaries of the districts.

268 (a) The boundaries of each district shall be as designated as such by the governing authority  
 269 of the City of Woodstock as set forth in the resolutions required in Section 4 of this Act or  
 270 as may thereafter be added as provided in this Act.

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

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

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

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

282 (4) The adoption of a resolution consenting to the annexation by the governing authority  
 283 of the City of Woodstock.

284

**SECTION 8.**

285

Debt.

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

292

**SECTION 9.**

293

Cooperation with local governments.

294 The services and facilities provided pursuant to this Act shall be provided for in a  
 295 cooperation agreement executed jointly by the board and by the City of Woodstock. The  
 296 provisions of this section shall in no way limit the authority of the City of Woodstock to  
 297 provide services or facilities within the district; and the City of Woodstock shall retain full

298 and complete authority and control over any of its facilities located within its respective areas  
 299 of any district. Said control shall include, but not be limited to, the modification of, access  
 300 to, and degree and type of services provided through or by facilities of the city. Nothing  
 301 contained in this section shall be construed to limit or preempt the application of any  
 302 governmental laws, ordinances, resolutions, or regulations to the district or the services or  
 303 facilities provided therein.

## 304 **SECTION 10.**

### 305 Powers.

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

309 (1) To bring and defend actions;

310 (2) To adopt and amend a corporate seal;

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

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

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

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

- 332 (7) To issue bonds, notes, or other obligations of the district and use the proceeds for the  
333 purpose of paying all or any part of the cost of any project and otherwise to further or  
334 carry out the public purposes of the district and to pay all costs of the board incidental to,  
335 or necessary and appropriate to, furthering or carrying out such purposes;
- 336 (8) To make application directly or indirectly to any federal, state, or county government  
337 or agency or to any other source, whether public or private, for loans, grants, guarantees,  
338 or other financial assistance in furtherance of the district's public purposes and to accept  
339 and use the same upon such terms and conditions as are prescribed by such federal, state,  
340 or county government or agency or other source;
- 341 (9) To enter into agreements with the federal government or any agency thereof to use  
342 the facilities or services of the federal government or any agency thereof in order to  
343 further or carry out the public purposes of the district;
- 344 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, state  
345 institutions, or any municipal corporation, county, or political subdivision of this state for  
346 the use by the district of any facilities or services of the state or any such state institution,  
347 municipal corporation, county, or political subdivision of this state, or for the use by any  
348 state institution or any municipal corporation, county, or political subdivision of this state  
349 of any facilities or services of the district, provided that such contracts shall deal with  
350 such activities and transactions as the district and any such political subdivision with  
351 which the district contracts are authorized by law to undertake;
- 352 (11) To receive and use the proceeds of any tax levied by any county or any municipality  
353 to pay the costs of any project or for any other purpose for which the board may use its  
354 own funds pursuant hereto;
- 355 (12) To receive and administer gifts, grants, and devises of money and property of any  
356 kind and to administer trusts;
- 357 (13) To use any real property, personal property, or fixtures or any interest therein or to  
358 rent or lease such property to or from others or make contracts with respect to the use  
359 thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or  
360 grant options for any such property in any manner as it deems to be the best advantage  
361 of the district and the public purposes thereof;
- 362 (14) To appoint, select, and employ engineers, surveyors, architects, urban or city  
363 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their  
364 expenses;
- 365 (15) To encourage and promote the improvement and development of the district and to  
366 make, contract for, or otherwise cause to be made long-range plans or proposals for the  
367 district in cooperation with the City of Woodstock;

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

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

373 (18) To create, provide, enhance, or supplement public services such as fire, police, and  
374 other such services as may be deemed necessary, provided that said public services do  
375 not conflict with or duplicate existing the City of Woodstock services; and

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

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

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

## 384 **SECTION 11.**

### 385 **Bonds generally.**

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

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

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

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

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

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

415 (g) All bonds issued by a district pursuant to this Act shall be issued and validated under and  
416 in accordance with Article 3 of Chapter 82 of Title 36 of O.C.G.A., the "Georgia Revenue  
417 Bond Law." The signature of the clerk of the Superior Court of Cherokee County may be  
418 made on the certificate of validation of such bonds by facsimile or by manual execution,  
419 stating the date on which such bonds were validated; and such entry shall be original  
420 evidence of the fact of judgment and shall be received as original evidence in any court in  
421 this state.

422 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear and the  
423 principal amount and maturities of such bonds, the notice to the district attorney or the  
424 Attorney General, the notice to the public of the time, place, and date of the validation  
425 hearing, and the petition and complaint for validation may state that the bonds when issued  
426 will bear interest at a rate not exceeding a maximum per annum rate of interest which may  
427 be fixed or may fluctuate or otherwise change from time to time and that the principal  
428 amount will not exceed and the final maturity date will not be later than as specified in such  
429 notices and petition and complaint or may state that, in the event the bonds are to bear  
430 different rates of interest for different maturity dates, none of such rates will exceed the  
431 maximum rate which may be fixed or may fluctuate or otherwise change from time to time  
432 so specified; provided, however, that nothing in this subsection shall be construed as  
433 prohibiting or restricting the right of a board to sell such bonds at a discount, even if in doing  
434 so the effective interest cost resulting would exceed the maximum per annum interest rate  
435 specified in such notices and in the petition and complaint.

436 (i) The terms "cost of the project" and "cost of any project" shall have the meaning  
437 prescribed in this Act whenever those terms are referred to in bond resolutions of a board,

438 in bonds, notes, or other obligations of the district, or in notices or proceedings to validate  
 439 such bonds, notes, or other obligations of a district.

440 **SECTION 12.**

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

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

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

450 (c) Issuance by a board of one or more series of bonds, notes, or other obligations for one  
 451 or more purposes shall not preclude it from issuing other bonds, notes, or other obligations  
 452 in connection with the same project or with any other projects; but the proceeding wherein  
 453 any subsequent bonds, notes, or other obligations are issued shall recognize and protect any  
 454 prior loan agreement, security agreement, or other agreement or instrument made for any  
 455 prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such  
 456 prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or  
 457 other obligations on a parity with such prior issue.

458 (d) In the event that any district shall be terminated in accordance with this Act, the board  
 459 shall serve until December 31 of the year in which termination shall be approved for the  
 460 purpose of concluding any ongoing matters and projects, but, if such cannot be concluded  
 461 by December 31, then the governing authority of the City of Woodstock shall assume the  
 462 duties of the administrative board and shall be expressly authorized to exercise the authority  
 463 of the administrative board. In the alternative, the governing authority of the City of  
 464 Woodstock may, by resolution, assume all rights and obligations of the district, either bonds  
 465 or otherwise, and the district shall cease to exist upon the adoption of such resolution.

466 **SECTION 13.**

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

469 This Act shall be liberally construed to effect the purposes hereof. The offer, sale, or  
 470 issuance of bonds, notes, or other obligations by a district shall not be subject to regulation

471 under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of 1973." No  
 472 notice, proceeding, or publication except those required hereby shall be necessary to the  
 473 performance of any act authorized hereby, nor shall any such act be subject to referendum.

474 **SECTION 14.**

475 Dissolution.

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

478 (1) The adoption of a resolution approving of the dissolution of each community  
 479 improvement district by the governing authority of the City of Woodstock; and

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

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

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

487 The written consent provided for in this paragraph shall be submitted to the Cherokee County  
 488 tax commissioner, or such other body designated by the governing authority of the City of  
 489 Woodstock, who shall certify whether subparagraphs (A) and (B) of this paragraph have been  
 490 satisfied with respect to each proposed district dissolution.

491 (b) At the official caucus of electors at which board members are to be elected in the tenth  
 492 year following creation of the district, and every tenth year thereafter, the question shall be  
 493 put to the electors present to dissolve the community improvement district. Upon an  
 494 affirmative vote of two-thirds of the electors present and voting, who shall represent at least  
 495 75 percent of the votes cast on the basis of value, the board shall send a ballot to each owner  
 496 of property subject to taxes, fees, and assessments levied by the board for a vote on the  
 497 dissolution. Upon receipt of ballots consenting to the dissolution from a majority of the  
 498 property owners, who shall represent at least 75 percent of the assessed value of said  
 499 properties, the board shall request dissolution by the governing authority and shall forward  
 500 said ballots to the Cherokee County tax commissioner, or such other body designated by the  
 501 governing authority of the City of Woodstock for certification.

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

505 effective, no new projects may be undertaken, no new obligations or debts may be incurred,  
506 and no new property may be acquired.

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

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

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

516 **SECTION 15.**

517 Effective date.

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

520 **SECTION 16.**

521 General Repealer.

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