

House Bill 1097 (COMMITTEE SUBSTITUTE)

By: Representative Battles of the 15<sup>th</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 Emerson; to provide for a short title; to provide for the purposes of said districts; to provide  
3 for definitions; to provide for boards to administer said districts; to provide for appointment  
4 or election of members of said boards; to provide for taxes, fees, and assessments; to provide  
5 for the boundaries of said districts; to provide procedures for the determination of the  
6 specifications for projects to be undertaken by the district and the manner of levying taxes,  
7 fees, and assessments with respect thereto; to provide for the debt of said districts; to provide  
8 for cooperation with local governments; to provide for powers of said boards; to provide for  
9 general obligation bonds, notes, and other obligations of said districts; to provide for the form  
10 of bonds, provisions for exchange and transfer, certificates of validation, and specification  
11 of interest rates in notice to the district attorney or the Attorney General and in notice of  
12 validation hearings; to provide for definition of the terms "cost of the project" and "cost of  
13 any project" as used in bond resolutions and elsewhere; to provide for authorized contents  
14 of agreements and instruments of the boards generally; to provide for use of proceeds of sale  
15 of bonds, notes, and other instruments; to provide for subsequent issues of bonds, notes, and  
16 other instruments; to provide for construction; to provide that Chapter 5 of Title 10 of the  
17 O.C.G.A., the "Georgia Uniform Securities Act of 2008," shall not apply to the offer, sale,  
18 or issuance of the bonds, notes, or other obligations; to provide that no notice, proceeding,  
19 publication, or referendum shall be required; to provide the procedures connected with all  
20 of the foregoing; to provide for the termination of districts under certain conditions; to  
21 provide for severability; to provide for an effective date; to repeal conflicting laws; and for  
22 other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 Short title.

26 This Act shall be known and may be cited as the "City of Emerson Community Improvement  
27 Districts Act."28 **SECTION 2.**

29 Purpose.

30 The purpose of this Act shall be to provide for the creation of one or more community  
31 improvement districts within the City of Emerson, and such districts shall be created for the  
32 provision of such of the following governmental services and facilities as may be provided  
33 for in the resolution activating each district created under this Act or any supplemental  
34 resolution amending same:35 (1) Street and road construction and maintenance, including curbs, sidewalks, street  
36 lights, and devices to control the flow of traffic on streets and roads;

37 (2) Parks and recreational areas and facilities;

38 (3) Storm-water and sewage collection and disposal systems;

39 (4) Development, storage, treatment, purification, and distribution of water;

40 (5) Public transportation including, but not limited to, services intended to reduce the  
41 volume of traffic or to transport two or more persons in common vehicles or  
42 conveyances;

43 (6) Terminal and dock facilities and parking facilities; and

44 (7) Such other services and facilities as may be provided for by general law.

45 **SECTION 3.**

46 Definitions.

47 As used in this Act, the term:

48 (1) "Agricultural" means the growing of crops for sale or raising of animals for sale or  
49 use, including the growing of field crops, fruit or nut trees, the raising of livestock or  
50 poultry, and the operation of dairies, horse-boarding facilities, and riding stables.51 (2) "Board" means the governing body created for the governance of each community  
52 improvement district authorized by this Act.53 (3) "Bonds" or "general obligation bonds" means any bonds of a district which are  
54 authorized to be issued under the Constitution and laws of Georgia, including refunding  
55 bonds but not including notes or other obligations of a district.

56 (4) "Caucus of electors" means for each district the meeting of electors at which the  
57 elected board members of the district are elected. A quorum at such caucus shall consist  
58 of those electors present, and a majority of those present and voting is necessary to elect  
59 board members. No proxy votes may be cast.

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

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

64 (B) All costs of real property, fixtures, or personal property used in or in connection  
65 with or necessary for any project or for any facilities related thereto, including, but not  
66 limited to, the cost of all land, estates for years, easements, rights, improvements, water  
67 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and  
68 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
69 certificates; and the cost of preparation of any application therefor and the cost of all  
70 fixtures, machinery, equipment (including all transportation equipment and rolling  
71 stock), furniture, and other property used in or in connection with or necessary for any  
72 project;

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

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

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

81 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust  
82 agreement, indenture of trust, or similar instrument or agreement; all expenses incurred  
83 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses  
84 incurred relative to the issuance of any bonds, notes, or other obligations for any  
85 projects;

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

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

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

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

92 (K) Administrative expenses of the board and such other expenses as may be necessary  
93 or incidental to any project or the financing thereof or the placing of any project in  
94 operation; and

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

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

104 (6) "District" means the geographical area designated as such by the resolution of the  
105 governing body consenting to the creation of the community improvement district or as  
106 thereafter modified by any subsequent resolution of the governing body within which the  
107 district is or is to be located, or a body corporate and politic being a community  
108 improvement district created and activated pursuant hereto, as the context requires or  
109 permits.

110 (7) "Electors" means the owners of real property used nonresidentially within the district  
111 which is then subject to taxes, fees, and assessments levied by the board, as they appear  
112 on the most recent ad valorem real property tax return records of Bartow County, or one  
113 officer or director of a corporate elector, one trustee of a trust which is an elector, one  
114 partner of a partnership elector, or one designated representative of an elector whose  
115 designation is made in writing. An owner of property subject to taxes, fees, or  
116 assessments levied by the board shall have one vote for an election based on numerical  
117 majority, and one vote for each \$1,000.00 (or fraction thereof) in assessed value of the  
118 owner's property for an election based on value majority. An owner of multiple parcels  
119 has one vote, not one vote per parcel, for an election based on numerical majority, and  
120 one vote for each \$1,000.00 (or fraction thereof) in assessed value of the aggregate of the  
121 owner's properties subject to taxes, fees, or assessments levied by the board for an  
122 election based on value majority. Multiple owners of one parcel have one vote for  
123 elections based on numerical majority, and one vote for each \$1,000.00 (or fraction  
124 thereof) in assessed value of the owner's property for elections based on value majority,  
125 which must be cast by one of their number who is designated in writing.

126 (8) "Equitably apportioned among the properties subject to such taxes, fees, and  
127 assessments according to the need for governmental services and facilities created by the  
128 degree of density of development of each such property," with reference to taxes, fees,

129 and assessments levied by the board, means that the burden of the taxes, fees, and  
 130 assessments shall be apportioned among the properties subject thereto based upon the  
 131 values established in the most recent ad valorem tax reassessment of such properties  
 132 certified by the chairperson of the Bartow County Board of Tax Assessors or may be  
 133 apportioned among the properties subject thereto in direct or approximate proportion to  
 134 the receipt of services or benefits derived from the improvements or other activities for  
 135 which the taxes, fees, or assessments are to be expended or may be apportioned in any  
 136 other manner or combination of manners deemed equitable by the board, including, but  
 137 not limited to, the recognition of differential benefits which may reasonably be expected  
 138 to accrue to new land development in contrast to lands and improvements already in  
 139 existence at the time of creation of the community improvement district.

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

145 (10) "Project" means the acquisition, construction, installation, modification, renovation,  
 146 or rehabilitation of land, interests in land, buildings, structures, facilities, or other  
 147 improvements located or to be located within the district or in another community  
 148 improvement district immediately adjoining the district as to directly benefit the district,  
 149 such benefit to be determined by the board, and the acquisition, installation, modification,  
 150 renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or  
 151 other property of any nature whatsoever used on, in, or in connection with any such land,  
 152 interest in land, building, structure, facility, or other improvement, for all the essential  
 153 public purposes set forth in Section 2 of this Act so long as the project is described in the  
 154 project specifications for the district.

155 (11) "Project specifications" means a description of the project or projects to be  
 156 undertaken by the district. The project specifications shall include the rates for taxes,  
 157 fees, and assessments that the district may levy. The project specifications may also  
 158 include as a matter of election any or all of the following:

159 (A) The maximum amounts that may be raised for any annual period by taxes, fees,  
 160 and assessments;

161 (B) The maximum period of time during which such taxes, fees, and assessments may  
 162 be levied; and

163 (C) A method for the equitable apportionment of such taxes, fees, and assessments.

164 (12) "Property owner" or "owner of real property" means any entity or person shown as  
 165 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax

166 records of Bartow County within the district as certified by the Bartow County Tax  
 167 Commissioner. Multiple owners of one parcel shall constitute one property owner and  
 168 shall designate in writing one of their number to represent the whole.

169 (13) "Property used nonresidentially" means property or any portion thereof used for  
 170 neighborhood shopping, planned shopping center, general commercial, transient lodging  
 171 facilities, tourist services, office or institutional, office services, light industry, heavy  
 172 industry, central business district, parking, or other commercial or business use, as well  
 173 as vacant land zoned or approved for any of the uses listed in this paragraph which does  
 174 not include residential.

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

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

#### 182 SECTION 4.

#### 183 Creation.

184 (a) Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is  
 185 created one or more community improvement districts to be located in the City of Emerson,  
 186 wholly within the incorporated area thereof, each of which shall be activated upon  
 187 compliance with the conditions provided in this Act and which shall be governed by a board  
 188 as constituted pursuant to this Act. The conditions for such activation shall be:

189 (1) The delivery of a petition by any taxpayer containing the project specifications for  
 190 the proposed district to the governing body of the City of Emerson;

191 (2) The adoption of a resolution consenting to the creation of each community  
 192 improvement district by the governing body of the City of Emerson which states that the  
 193 district is created pursuant to this Act and to the project specifications;

194 (3) Written consent to the creation of the community improvement district and the  
 195 project specifications by:

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

198 (B) The owners of real property within the district which constitutes at least 75 percent  
 199 by value of all real property within the district which will be subject to taxes, fees, and

200 assessments levied by the board and for this purpose value shall be determined by the  
 201 most recent approved county ad valorem tax digest; and

202 (4) If the proposed district is to lie in an area wholly or partially coexistent with one or  
 203 more community improvement districts, then the board of the newly created district and  
 204 the board of the preexisting district or districts shall have entered into a cooperative  
 205 agreement whereby the collection of taxes and the provision of services in the  
 206 overlapping areas of such districts shall be specified.

207 (b) The written consents provided for in paragraph (3) of subsection (a) of this section and  
 208 the cooperative agreement, if required, provided for in paragraph (4) of subsection (a) of  
 209 this section shall be submitted to the Bartow County Tax Commissioner, who shall certify  
 210 whether paragraphs (3) and (4) of subsection (a), as applicable, have been satisfied with  
 211 respect to each such proposed district.

212 (c) No district or board created under this Act shall transact any business or exercise any  
 213 powers under this Act until the foregoing conditions of this section are met. A copy of  
 214 such resolutions shall be filed with the Secretary of State, who shall maintain a record of  
 215 all districts activated under this Act, and a second copy shall be filed with the Department  
 216 of Community Affairs.

217 (d) The project specifications may be amended, changed, or expanded from time to time,  
 218 but not so as to reduce taxes, fees, and assessments pledged to holders of bonds or other  
 219 indebtedness of the district without such holders' written consent, by the adoption,  
 220 certification, and filing of a resolution and consents as described in paragraphs (2) and (3)  
 221 of subsection (a) of this section.

## 222 **SECTION 5.**

223 Administration, appointment, and election of board members.

224 (a) Each district created pursuant to this Act shall be administered by a board composed of  
 225 five members to be appointed and elected as provided in this section. Two board members  
 226 shall be appointed by the governing body of the City of Emerson and the remaining board  
 227 members shall be elected by the electors. The appointed board members shall serve at the  
 228 pleasure of the governing body of the City of Emerson. The initial elected board members  
 229 shall serve for terms of office as follows: one shall serve for two years, and the remaining  
 230 board members shall serve for four years. Thereafter, all terms of office shall be for four  
 231 years, except the appointed members who serve at the pleasure of the governing body of the  
 232 City of Emerson.

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

235 the adoption of the resolutions and obtaining the written consents provided for in this Act at  
236 such time and place within the district as the governing body of the City of Emerson shall  
237 designate after notice thereof shall have been given to said electors by publishing notice in  
238 the legal organ of Bartow County as provided in this Act and by contacting each elector by  
239 United States mail at the address indicated in the property tax rolls. The mayor of the City  
240 of Emerson or the mayor's designee shall convene the initial caucus of electors. Thereafter,  
241 there shall be conducted biennially, not later than 60 days following the last day for filing ad  
242 valorem real property tax returns in Bartow County, a caucus of said electors at such time  
243 and place within the district as the board shall designate in such notice for the purpose of  
244 electing board members to those positions which have terms expiring or are vacant. If a  
245 vacancy occurs in an elected position on the board, the board shall, within 60 days thereafter,  
246 call a special election to fill the same to be held within 60 days of the call unless such  
247 vacancy occurs within 180 days of the next regularly scheduled election, in which case a  
248 special election may, but need not, be called. For any election held under the provisions of  
249 this Act, notice of such election shall be given to the electors by:

250 (1) Publishing notice thereof in the legal organ of Bartow County on four dates at least  
251 45 days, 31 days, 17 days, and ten days, respectively, prior to such election; and

252 (2) Contacting each elector at least 31 days prior to such election by United States mail  
253 at the address indicated in the property tax rolls.

254 (c) One board member shall be elected by majority vote of the electors present and voting  
255 at the caucus on the basis of one vote for each elector. Such board member shall be elected  
256 to a term of office of two years at the initial caucus of electors when the board is first formed  
257 and to terms of office of four years thereafter. Two board members shall be elected by  
258 majority of the votes cast by the electors present and voting at the caucus, with each elector  
259 having one vote for each \$1,000.00 or fraction thereof in assessed value of the property  
260 owned by the elector subject to taxes, fees, or assessments levied by the board. All vacancies  
261 to be filled through election shall be filled by majority vote in the same manner as the board  
262 member previously holding the seat.

263 (d) The elected board members shall be subject to recall as any other elected public official  
264 by the electors.

265 (e) Board members elected by the electors shall be electors within the district. If such board  
266 member ceases to be an elector, such board member's position shall be declared vacant as of  
267 the date of the event terminating such status.

268 (f) The board members shall receive no compensation for their services but shall be  
269 reimbursed for actual expenses incurred in the performance of their duties. They shall elect  
270 one of their members as chairperson and another as vice chairperson and shall also elect a

271 secretary and a treasurer or a secretary-treasurer, either of whom may, but need not be, a  
272 member of the board.

273 **SECTION 6.**

274 Taxes, fees, and assessments.

275 (a) The board may levy taxes, fees, and assessments within the district only on real property  
276 used nonresidentially, specifically excluding all property exempt from ad valorem taxation  
277 under the Constitution or laws of the State of Georgia and all property used for residential,  
278 agricultural, or forestry purposes and specifically excluding tangible personal property and  
279 intangible property. Any tax, fee, or assessment so levied shall not exceed 2 1/2 percent of  
280 the aggregate assessed value of all such real property; provided, however, that no tax, fee,  
281 or assessment so levied shall exceed any lesser limitation designated in the project  
282 specifications and that no tax, fee, or assessment shall be levied beyond any time limitation  
283 designated as provided in the project specifications. The taxes, fees, and assessments levied  
284 by the board shall be equitably apportioned among the properties subject to such taxes, fees,  
285 and assessments according to the need for governmental services and facilities created by the  
286 degree of density of development of each such property. The proceeds of taxes, fees, and  
287 assessments levied by the board shall be used only for the purpose of providing governmental  
288 services and facilities which are specially required by the degree of density of development  
289 within the applicable district and not for the purpose of providing those governmental  
290 services and facilities provided to the county or municipality as a whole. Any tax, fee, or  
291 assessment so levied shall be collected by Bartow County in the same manner as taxes, fees,  
292 and assessments are levied by the county. Delinquent taxes shall bear the same interest and  
293 penalties as Bartow County ad valorem taxes and may be enforced and collected in the same  
294 manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs  
295 of collection of 1 percent thereof, but not more than \$25,000.00 in any one calendar year,  
296 shall be transmitted by Bartow County to the board and shall be expended by the board only  
297 for the purposes authorized by this Act.

298 (b) The board shall levy the taxes, fees, and assessments provided for in subsection (a) of  
299 this section subsequent to the report of the assessed taxable values for the current calendar  
300 year and shall notify in writing the collecting governing body so it may include the levy on  
301 its regular ad valorem tax bills.

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

306

**SECTION 7.**

307

Boundaries of the districts.

308 (a) The boundaries of each district shall be as designated as such by the governing body  
309 of the City of Emerson and shall lie wholly within the incorporated area of the City of  
310 Emerson as set forth in the resolutions required in Section 4 of this Act, or as may thereafter  
311 be added as provided in this Act.

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

314 (1) Written consent of a majority of the owners of real property within the area sought  
315 to be annexed into the district and which will be subject to taxes, fees, and assessments  
316 levied by the board of the district is first obtained;

317 (2) Written consent of owners of real property within the area sought to be annexed into  
318 the district which constitutes at least 75 percent by value of all real property within the  
319 area sought to be annexed into the district which will be subject to taxes, fees, and  
320 assessments levied by the board, and for this purpose value shall be determined by the  
321 most recent approved county ad valorem tax digest;

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

324 (4) The adoption of a resolution consenting to the annexation by the governing body of  
325 the City of Emerson.

326

**SECTION 8.**

327

Debt.

328 Each district may incur debt without regard to the requirements of Article IX, Section V of  
329 the Constitution of Georgia, or any other provision of law prohibiting or restricting the  
330 borrowing of money or the creation of debt by political subdivisions of the State of Georgia,  
331 and the debt shall be backed by the full faith, credit, and taxing power of the district, but shall  
332 not be an obligation of the State of Georgia, the City of Emerson, or any other unit of  
333 government of the State of Georgia other than the district.

334

**SECTION 9.**

335

Cooperation with local governments.

336 The services and facilities provided pursuant to this Act shall be provided for in a  
337 cooperation agreement executed jointly by the board and the governing body of the City of

338 Emerson. If the parties to the cooperation agreement so agree, the cooperation agreement  
 339 may provide that such private persons as are designated by the district perform the actual  
 340 construction or improvement of the services and facilities provided by the district. The  
 341 provisions of this section shall in no way limit the authority of the City of Emerson to  
 342 provide services or facilities within the district; and the City of Emerson shall retain full and  
 343 complete authority and control over any of its facilities located within its respective areas of  
 344 any district. Such control shall include, but not be limited to, the modification of, access to,  
 345 and degree and type of services provided through or by facilities of the municipality.  
 346 Nothing contained in this section shall be construed to limit or preempt the application of any  
 347 governmental laws, ordinances, resolutions, or regulations to the district or the services or  
 348 facilities provided within the district.

349 **SECTION 10.**

350 Powers.

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

- 354 (1) To bring and defend actions;
- 355 (2) To adopt and amend a corporate seal;
- 356 (3) To make and execute contracts, agreements, and other instruments necessary or  
 357 convenient to exercise the powers of the board or to further the public purposes for which  
 358 the district is created, including, but not limited to, contracts for construction of projects,  
 359 leases of projects, contracts for sale of projects, agreements for loans to finance projects,  
 360 contracts with respect to the use of projects, and agreements with other jurisdictions or  
 361 community improvement districts regarding multijurisdictional projects or services or for  
 362 other cooperative endeavors to further the public purposes of the district;
- 363 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and  
 364 personal property of every kind and character, or any interest therein, in furtherance of  
 365 the public purposes of the district;
- 366 (5) To finance by loan, grant, lease, or otherwise and to construct, erect, assemble,  
 367 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,  
 368 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the  
 369 cost of any project from the proceeds of bonds, notes, or other obligations of the district  
 370 or any other funds of the district, or from any contributions or loans by persons,  
 371 corporations, partnerships, whether limited or general, or other entities, all of which the  
 372 board is authorized to receive, accept, and use;

- 373 (6) To borrow money to further or carry out its public purposes and to execute bonds,  
374 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale  
375 of its bonds, notes, or other obligations, loan agreements, security agreements,  
376 assignments, and such other agreements or instruments as may be necessary or desirable,  
377 in the judgment of the board, to evidence and to provide security for such borrowing;
- 378 (7) To issue bonds, notes, or other obligations of the district and use the proceeds thereof  
379 for the purpose of paying all or any part of the cost of any project and otherwise to further  
380 or carry out the public purposes of the district and to pay all costs of the board incidental  
381 to, or necessary and appropriate to, furthering or carrying out such purposes;
- 382 (8) To make application directly or indirectly to any federal, state, county, or municipal  
383 government or agency or to any other source, whether public or private, for loans, grants,  
384 guarantees, or other financial assistance in furtherance of the district's public purposes  
385 and to accept and use the same upon such terms and conditions as are prescribed by such  
386 federal, state, county, or municipal government or agency or other source;
- 387 (9) To enter into agreements with the federal government or any agency thereof to use  
388 the facilities or services of the federal government or any agency thereof in order to  
389 further or carry out the public purposes of the district;
- 390 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, state  
391 institutions, or any municipal corporation, county, or political subdivision of this state for  
392 the use by the district of any facilities or services of the state or any such state institution,  
393 municipal corporation, county, or political subdivision of this state, or for the use by any  
394 state institution or any municipal corporation, county, or political subdivision of the state  
395 of any facilities or services of the district, provided that such contracts shall deal with  
396 such activities and transactions as the district and any such political subdivision with  
397 which the district contracts are authorized by law to undertake;
- 398 (11) The district shall have the power and is authorized, whenever bonds of the district  
399 have been validated as provided in this Act, to issue, from time to time, its notes in  
400 anticipation of the issuance of such bonds as validated and to renew, from time to time,  
401 any such notes by the issuance of new notes, whether the notes to be renewed have or  
402 have not matured. The district may issue notes only to provide funds which would  
403 otherwise be provided by the issuance of the bonds as validated. The notes may be  
404 authorized, sold, executed, and delivered in the same manner as bonds. As with its  
405 bonds, the district may sell such notes at public or private sale. Any resolution or  
406 resolutions authorizing notes of the district or any issue thereof may contain any  
407 provisions which the district is authorized to include in any resolution or resolutions  
408 authorizing bonds of the district or any issue thereof; and the district may include in any  
409 notes any terms, covenants, or conditions which it is authorized to include in any bonds.

410 Validation of such bonds shall be a condition precedent to the issuance of the notes, but  
411 it shall not be required that such notes be judicially validated. Bond anticipation notes  
412 shall not be issued in an amount exceeding the par value of the bonds in anticipation of  
413 which they are to be issued;

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

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

419 (14) To receive and use the proceeds of any tax levied by any county or any municipal  
420 corporation to pay the costs of any project or for any other purpose for which the board  
421 may use its own funds pursuant to this Act;

422 (15) To receive and administer gifts, grants, and devises of money and property of any  
423 kind and to administer trusts;

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

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

432 (18) To encourage and promote the improvement and development of the district and to  
433 make, contract for, or otherwise cause to be made long-range plans or proposals for the  
434 district in cooperation with the City of Emerson;

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

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

440 (21) To do all things necessary or convenient to carry out the powers conferred by this  
441 Act.

442 (b) The powers enumerated in this section are cumulative of and in addition to those powers  
443 enumerated elsewhere in this Act; and no such power shall limit or restrict any other power  
444 of the board.

445

**SECTION 11.**

446

**Bonds - generally.**

447 (a) Notes or other obligations issued by a district, other than general obligation bonds, shall  
 448 be paid solely from the property pledged to pay such notes or other obligations. General  
 449 obligation bonds issued by any district shall constitute a general obligation of the district to  
 450 the repayment of which the full faith, credit, and taxing power of the district shall be pledged,  
 451 subject to the power of the district to tax only in accordance with any limitations established  
 452 by the project specifications.

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

455 (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time  
 456 or times but not more than 40 years from their respective dates, shall bear interest at such rate  
 457 or rates which may be fixed or may fluctuate or otherwise change from time to time, shall  
 458 be subject to redemption on such terms, and shall contain such other terms, provisions,  
 459 covenants, assignments, and conditions as the resolution authorizing the issuance of such  
 460 bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants,  
 461 assignments, and conditions contained in or provided or permitted by any resolution of the  
 462 board authorizing the issuance of such bonds, notes, or other obligations shall bind the board  
 463 members of the district then in office and their successors. The provisions of any such  
 464 resolution or resolutions shall be a contract with every holder of such bonds, notes, or other  
 465 obligations, and the duties of the district, the board, and the officers of the district under any  
 466 such resolution or resolutions shall be enforceable by any holder of such bonds, notes, or  
 467 other obligations by mandamus or other appropriate action or proceeding at law or in equity.

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

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

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

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

489 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear, and the  
 490 principal amount and maturities of such bonds, the notice to the district attorney or the  
 491 Attorney General, the notice to the public of the time, place, and date of the validation  
 492 hearing, and the petition and complaint for validation may state that the bonds when issued  
 493 will bear interest at a rate not exceeding a maximum per annum rate of interest, which may  
 494 be fixed or may fluctuate or otherwise change from time to time, and that the principal  
 495 amount will not exceed and the final maturity date will not be later than as specified in such  
 496 notices and petition and complaint or may state that, in the event the bonds are to bear  
 497 different rates of interest for different maturity dates, none of such rates will exceed the  
 498 maximum rate, which may be fixed or may fluctuate or otherwise change from time to time,  
 499 so specified; provided, however, that nothing in this section shall be construed as prohibiting  
 500 or restricting the right of a board to sell such bonds at a discount, even if in doing so the  
 501 effective interest cost resulting therefrom would exceed the maximum per annum interest rate  
 502 specified in such notices and in the petition and complaint.

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

## 507 **SECTION 12.**

508 Authorized contents of agreements and instruments of the board generally; use of  
 509 proceeds of sale of bonds, notes, and other obligations; subsequent  
 510 issues of bonds, notes, and other obligations.

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

514 (b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by  
 515 a district shall be held and used for the ultimate purpose of paying, directly or indirectly as

516 permitted by this Act, all or part of the cost of any project, or for the purpose of refunding  
517 any bonds, notes, or other obligations issued in accordance with this Act.

518 (c) Issuance by a board of one or more series of bonds, notes, or other obligations for one  
519 or more purposes shall not preclude it from issuing other bonds, notes, or obligations in  
520 connection with the same project or with any other project; but the proceeding wherein any  
521 subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior  
522 loan agreement, security agreement, or other agreement or instrument made for any prior  
523 issue of bonds, notes, or other obligations, unless in the resolution authorizing such prior  
524 issue the right is expressly reserved to the board to issue subsequent bonds, notes, or other  
525 obligations on a parity with such prior issue.

526 **SECTION 13.**

527 Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the "Georgia  
528 Uniform Securities Act of 2008"; notice, proceeding, publication, referendum.

529 This Act shall be liberally construed to effect the purposes hereof. The offer, sale, or  
530 issuance of bonds, notes, or other obligations by a district shall not be subject to regulation  
531 under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008."  
532 No notice, proceeding, or publication, except those required by this Act, shall be necessary  
533 to the performance of any act authorized by this Act, nor shall any such act be subject to  
534 referendum.

535 **SECTION 14.**

536 Dissolution.

537 Any district activated under the provisions of this Act may be dissolved. So long as a district  
538 has no debt outstanding, the board of a district may terminate and dissolve the district as of  
539 a certain date, and on such date all property, rights, and obligations of the district shall  
540 devolve to the City of Emerson.

541 **SECTION 15.**

542 Severability.

543 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared  
544 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other  
545 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full  
546 force and effect as if the section, subsection, sentence, clause, or phrase so declared or

547 adjudged invalid or unconstitutional were not originally a part of this Act. The General  
548 Assembly declares that it would have passed the remaining parts of this Act if it had known  
549 that such part or parts of this Act would be declared or adjudged invalid or unconstitutional.

550 **SECTION 16.**

551 Effective date.

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

554 **SECTION 17.**

555 Repealer.

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