

House Bill 573 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickson of the 6<sup>th</sup>, Broadrick of the 4<sup>th</sup>, and Neal of the 2<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the creation of one or more community improvement districts in Whitfield  
2 County; 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 for the debt of said districts; to provide for  
6 cooperation with local governments; to provide for powers of said boards; to provide for  
7 general obligation bonds, notes, and other obligations of said districts; to provide for the form  
8 of bonds, provisions for exchange and transfer, certificates of validation, specification of  
9 interest rates in notice to the district attorney or the Attorney General, and in notice of  
10 validation hearing, etc., and definition of terms "cost of the project" or "cost of any project"  
11 as used in bond resolutions, etc.; to provide for authorized contents of agreements and  
12 instruments of the boards generally, use of proceeds of sale of bonds, notes, etc., and  
13 subsequent issue of bonds, notes, etc.; to provide for construction; to provide that Chapter 5  
14 of Title 10 of the O.C.G.A. shall not apply to the offer, sale, or issuance of the boards' bonds,  
15 notes, or other obligations; to provide that no notice, proceeding, publication, or referendum  
16 shall be required; to provide for dissolutions; to provide the procedures connected with all  
17 of the foregoing; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 SECTION 1.  
20 Short title.

21 This Act shall be known and may be cited as the "Whitfield County Community  
22 Improvement Districts Act."

23 **SECTION 2.**

24 Purpose.

25 The purpose of this Act shall be to provide for the creation of one or more community  
 26 improvement districts within Whitfield County and within each municipality therein, and  
 27 such districts shall be created for the provision of such of the following governmental  
 28 services and facilities as may be provided for in the resolution activating each district created  
 29 by this Act or any supplemental resolution amending the same:

- 30 (1) Street and road construction and maintenance, including curbs, sidewalks, street  
 31 lights, and devices to control the flow of traffic on streets and roads;  
 32 (2) Parks and recreational areas and facilities;  
 33 (3) Storm-water and sewage collection and disposal systems;  
 34 (4) Development, storage, treatment, purification, and distribution of water;  
 35 (5) Public transportation including, but not limited to, services intended to reduce the  
 36 volume of traffic or to transport two or more persons in common vehicles or  
 37 conveyances;  
 38 (6) Terminal and dock facilities and parking facilities; and  
 39 (7) Such other services and facilities as may be provided for by general law.

40 **SECTION 3.**

41 Definitions.

42 As used in this Act, the term:

- 43 (1) "Agricultural" means the growing of crops for sale or raising of animals for sale or  
 44 use, including the growing of field crops, fruit or nut trees, the raising of livestock or  
 45 poultry, and the operation of dairies, horse-boarding facilities, and riding stables.  
 46 (2) "Board" means the governing body created for the governance of each community  
 47 improvement district authorized by this Act.  
 48 (3) "Bonds" or "general obligation bonds" means any bonds of a district which are  
 49 authorized to be issued under the Constitution and laws of Georgia, including refunding  
 50 bonds but not including notes or other obligations of a district.  
 51 (4) "Caucus of electors" means for each district the meeting of electors provided by this  
 52 Act at which the elected board members of the district are elected. A quorum at such  
 53 caucus shall consist of those electors present, and a majority of those present and voting  
 54 is necessary to elect board members. No proxy votes may be cast.  
 55 (5) "Cost of the project" or "cost of any project" means and includes:

- 56 (A) All costs of acquisition (by purchase or otherwise), construction, assembly,  
57 installation, modification, renovation, or rehabilitation incurred in connection with any  
58 project or any part of any project;
- 59 (B) All costs of real property, fixtures, or personal property used in or in connection  
60 with or necessary for any project or for any facilities related thereto, including, but not  
61 limited to, the cost of all land, estates for years, easements, rights, improvements, water  
62 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and  
63 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
64 certificates; and the cost of preparation of any application therefor and the cost of all  
65 fixtures, machinery, equipment (including all transportation equipment and rolling  
66 stock), furniture, and other property used in or in connection with or necessary for any  
67 project;
- 68 (C) All financing charges and loan fees and all interest on bonds, notes, or other  
69 obligations of a district which accrue or are paid prior to and during the period of  
70 construction of a project and during such additional period as the board may reasonably  
71 determine to be necessary to place such project in operation;
- 72 (D) All costs of engineering, surveying, and architectural and legal services and all  
73 expenses incurred by engineers, surveyors, architects, and attorneys in connection with  
74 any project;
- 75 (E) All expenses for inspection of any project;
- 76 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust  
77 agreement, indenture of trust, or similar instrument or agreement; all expenses incurred  
78 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses  
79 incurred relative to the issuance of any bonds, notes, or other obligations for any  
80 projects;
- 81 (G) All expenses of or incidental to determining the feasibility or practicability of any  
82 project;
- 83 (H) All costs of plans and specifications for any project;
- 84 (I) All costs of title insurance and examinations of title with respect to any project;
- 85 (J) Repayment of any loans made for the advance payment of any part of any of the  
86 foregoing costs, including interest thereon and any other expenses of such loans;
- 87 (K) Administrative expenses of the board and such other expenses as may be necessary  
88 or incidental to any project or the financing thereof or the placing of any project in  
89 operation; and
- 90 (L) The establishment of a fund or funds for the creation of a debt service reserve, a  
91 renewal and replacement reserve or such other funds or reserves as the board may  
92 approve with respect to the financing and operation of any project and as may be

93 authorized by any bond resolution, trust agreement, indenture of trust, or similar  
94 instrument or agreement pursuant to the provisions of which the issuance of any bonds,  
95 notes, or other obligations of the district may be authorized.

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

99 (6) "District" means the geographical area designated as such by the resolution of the  
100 governing body or consenting to the creation of the community improvement district or  
101 as thereafter modified by any subsequent resolution of the governing body or bodies  
102 within which the district is or is to be located, or a body corporate and politic being a  
103 community improvement district created and activated pursuant thereto, as the context  
104 requires or permits.

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

121 (8) "Equitably apportioned among the properties subject to such taxes, fees, and  
122 assessments according to the need for governmental services and facilities created by the  
123 degree of density of development of each such property," with reference to taxes, fees,  
124 and assessments levied by the board, means that the burden of the taxes, fees, and  
125 assessments shall be apportioned among the properties subject thereto based upon the  
126 values established in the most recent ad valorem tax reassessment of such properties  
127 certified by the chairperson of the Whitfield County Board of Tax Assessors or may be  
128 apportioned among the properties subject thereto in direct or approximate proportion to  
129 the receipt of services or benefit derived from the improvements or other activities for

130 which the taxes, fees, or assessments are to be expended or may be apportioned in any  
131 other manner or combination of manners deemed equitable by the board, including, but  
132 not limited to, the recognition of differential benefit which may reasonably be expected  
133 to accrue to new land development in contrast to lands and improvement already in  
134 existence at the time of creation of the community improvement district.

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

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

149 (11) "Property owner" or "owner of real property" means any entity or person shown as  
150 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax  
151 records of Whitfield County within the district as certified by the Whitfield County tax  
152 commissioner. Multiple owners of one parcel shall constitute one property owner and  
153 shall designate in writing one of their number to represent the whole.

154 (12) "Property used nonresidentially" means property or any portion thereof used for  
155 neighborhood shopping, planned shopping center, general commercial, transient lodging  
156 facilities, tourist services, office or institutional, office services, light industry, heavy  
157 industry, central business district, parking, or other commercial or business use, as well  
158 as vacant land zoned or approved for any of the uses listed in this paragraph.

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

163 **SECTION 4.**

164 Creation.

165 Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is  
 166 created one or more community improvement districts to be located in Whitfield County,  
 167 Georgia, either wholly within the unincorporated area thereof, or wholly within any  
 168 municipality therein, or partly within one or more municipalities and partly within the  
 169 unincorporated area thereof, each of which shall be activated upon compliance with the  
 170 conditions provided in this Act and which shall be governed by a board as constituted  
 171 pursuant to this Act. The conditions for such activation shall be:

172 (1) The adoption of a resolution consenting to the creation of each community  
 173 improvement district by:

174 (A) The governing authority of Whitfield County if the district is located wholly within  
 175 the unincorporated area of Whitfield County, and the resolution shall impose such  
 176 conditions on the projects and activities which may be undertaken as will ensure their  
 177 compatibility with adopted county policies and planning for the area;

178 (B) The governing authority of the municipality if the district is located wholly within  
 179 the incorporated area of a municipality; or

180 (C) The governing authorities of Whitfield County and any municipality in which the  
 181 district is partially located if it is partially located within the unincorporated area of  
 182 Whitfield County and partly within the incorporated area of any municipality; and

183 (2) Written consent to the creation of the community improvement district by:

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

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

190 The written consent provided for in this paragraph shall be submitted to the Whitfield  
 191 County tax commissioner who shall certify whether subparagraphs (A) and (B) of this  
 192 paragraph have been satisfied with respect to each such proposed district.

193 No district or board created under this Act shall transact any business or exercise any  
 194 powers under this Act until the conditions of this section are met. A copy of such  
 195 resolutions shall be filed with the Secretary of State who shall maintain a record of all  
 196 districts activated under this Act and a second copy shall be filed with the Department of  
 197 Community Affairs.

198

**SECTION 5.**

199

Administration, appointment, and election of board members.

200 (a) Each district created pursuant to this Act shall be administered by a board composed of  
 201 a minimum of seven members to be appointed and elected as provided in this section. Two  
 202 board members shall be appointed by the governing authority of Whitfield County, one board  
 203 member shall be appointed by the governing authority of each municipality within which any  
 204 portion of the district lies, and the remaining board members shall be elected by the owners  
 205 of real property within the district subject to taxes, fees, and assessments levied by the board.  
 206 The board shall be seven in number plus one member appointed by the governing authority  
 207 of each municipality as provided above. The appointed board members shall serve at the  
 208 pleasure of the governing body which appointed same, respectively. The initial elected board  
 209 members shall serve for terms of office as follows: two shall serve for two years, and the  
 210 remaining board members shall serve for four years. Thereafter, all terms of office shall be  
 211 for four years, except the appointed members who serve at the pleasure of the governing  
 212 body which appointed them.

213 (b)(1) The initial board members to be elected as provided in this Act shall be elected in  
 214 a caucus of electors, which shall be held within 60 days after the adoption of the  
 215 resolutions and obtaining the written consents provided for in this Act at such time and  
 216 place within the district as the governing authority of Whitfield County shall designate  
 217 after notice thereof shall have been given to such electors by:

218 (A) Publishing same in the legal organ of Whitfield County as provided in this Act;  
 219 and

220 (B) Contacting each elector by United States mail at the address indicated in the  
 221 property tax rolls.

222 (2) Thereafter, there shall be conducted biennially, not later than 60 days following the  
 223 last day for filing ad valorem property tax returns in Whitfield County, a caucus of such  
 224 electors at such time and place within the district as the board shall designate in such  
 225 notice for the purpose of electing board members to those positions which have terms  
 226 expiring or are vacant. If a vacancy occurs in an elected position on the board, the board  
 227 shall, within 60 days thereafter, call a special election to fill the same to be held within  
 228 60 days of the call unless such vacancy occurs within 180 days of the next regularly  
 229 scheduled election, in which case a special election may, but need not, be called. For any  
 230 election held under the provisions of this Act, notice of such election shall be given the  
 231 electors by:

232 (A) Publishing notice thereof in the legal organ of Whitfield County on four dates at  
 233 least 45 days, 31 days, 17 days, and ten days, respectively, prior to such election; and

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

236 (c) One board member shall be elected by majority vote of the electors present and voting  
237 at the caucus on the basis of one vote for each elector. Such board member shall be elected  
238 to a term of office of two years at the initial caucus of electors when the board is first formed  
239 and to terms of office of four years thereafter. Four board members shall be elected by  
240 majority of the votes cast by the electors present and voting at the caucus, with each elector  
241 having one vote for each \$1,000.00 or fraction thereof in assessed value of the property  
242 owned by the elector subject to taxes, fees, or assessments levied by the board. All vacancies  
243 to be filled through election shall be filled by majority vote in the same manner as the board  
244 member previously holding the seat.

245 (d) The elected board members shall be subject to recall as any other elected public official  
246 by the electors defined in this Act.

247 (e) Board members, including appointed board members, shall be electors within the district.  
248 If a board member ceases to be an elector, such board member's position shall be declared  
249 vacant as of the date of the event terminating such status.

250 (f) The board members shall receive no compensation for their services but shall be  
251 reimbursed for actual expenses incurred in the performance of their duties. They shall elect  
252 one of their members as chairperson and another as vice chairperson and shall also elect a  
253 secretary and a treasurer or a secretary-treasurer, either of whom may, but need not be, a  
254 member of the board.

## 255 SECTION 6.

### 256 Taxes, fees, and assessments.

257 (a) The board may levy taxes, fees, and assessments within the district only on real property,  
258 specifically excluding all property exempt from ad valorem taxation under the Constitution  
259 or laws of the State of Georgia and all property used for residential, agricultural, or forestry  
260 purposes and specifically excluding tangible personal property and intangible property. Any  
261 tax, fee, or assessment so levied shall not exceed 2 1/2 percent of the aggregate assessed  
262 value of all such real property. The taxes, fees, and assessments levied by the board upon  
263 the properties shall be equitably apportioned among the properties according to the need for  
264 governmental services and facilities created by the degree of density of development within  
265 the district and not for the purpose of providing those governmental services and facilities  
266 provided to the county or municipality as a whole. Any tax, fee, or assessment so levied  
267 shall be collected by Whitfield County in the same manner as taxes, fees, and assessments  
268 are collected by the county. Delinquent taxes shall bear the same interest and penalties as



269 Whitfield County ad valorem taxes and may be enforced and collected in the same manner.  
 270 The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of  
 271 collection of 1 percent thereof, but not more than \$25,000.00 in any one calendar year, shall  
 272 be transmitted by Whitfield County to the board and shall be expended by the board only for  
 273 the purposes authorized by this Act.

274 (b) The board shall levy the such taxes and notify in writing the collecting governing body  
 275 so it may include the levy on its regular ad valorem tax bills.

276 (c) If a parcel of real property is removed from a district or otherwise would become  
 277 nontaxable, it shall continue to bear its tax millage then extant upon such event for bonded  
 278 indebtedness of the district then outstanding until such bonded indebtedness then outstanding  
 279 is paid or refunded.

## 280 SECTION 7.

### 281 Boundaries of the districts.

282 (a) The boundaries of each district shall be as designated as such by the governing authority  
 283 of Whitfield County if wholly within the unincorporated area of Whitfield County and such  
 284 municipalities within which the district may be partially located if partially within the  
 285 unincorporated area of Whitfield County and partially within one or more municipalities, or  
 286 by the governing authority of a municipality if wholly within the incorporated area thereof,  
 287 as set forth in the resolutions required in Section 4 of this Act or as may thereafter be added  
 288 as provided in this Act.

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

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

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

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

300 (4) The adoption of a resolution consenting to the annexation by the governing  
 301 authorities of Whitfield County, if any portion of the district is or is to be in the  
 302 unincorporated area of Whitfield County, and such municipalities as may have area  
 303 within the district before or after the annexation.

304 **SECTION 8.**

305 Debt.

306 Each district may incur debt without regard to the requirements of Article IX, Section V of  
 307 the Constitution of Georgia, or any other provision of law prohibiting or restricting the  
 308 borrowing of money or the creation of debt by political subdivisions of the State of Georgia,  
 309 and the debt shall be backed by the full faith, credit, and taxing power of the district but shall  
 310 not be an obligation of the State of Georgia or any other unit of government of the State of  
 311 Georgia other than the district.

312 **SECTION 9.**

313 Cooperation with local governments.

314 The services and facilities provided pursuant to this Act shall be provided for in a  
 315 cooperation agreement executed jointly by the board and the governing bodies of Whitfield  
 316 County and any municipalities within which the district is partially located. The provisions  
 317 of this section shall in no way limit the authority of Whitfield County or any such  
 318 municipality to provide services or facilities within the district; and Whitfield County or such  
 319 municipalities shall retain full and complete authority and control over any of their facilities  
 320 located within their respective areas of any district. Such control shall include, but not be  
 321 limited to, the modification of, access to, and degree and type of services provided through  
 322 or by facilities of the municipality or county. Nothing contained in this section shall be  
 323 construed to limit or preempt the application of any governmental laws, ordinances,  
 324 resolutions, or regulations to the district or the services or facilities provided therein.

325 **SECTION 10.**

326 Board, district powers.

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

330 (1) To bring and defend actions;

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

332 (3) To make and execute contracts, agreements, and other instruments necessary or  
 333 convenient to exercise the powers of the board or to further the public purposes for which  
 334 the district is created, including, but not limited to, contracts for construction of projects,  
 335 leases of projects, contracts for sale of projects, agreements for loans to finance projects,

336 contracts for the use of projects, and agreements with other jurisdictions or community  
337 improvement districts regarding multijurisdictional projects or services or for other  
338 cooperative endeavors to further the public purposes of the district;

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

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

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

354 (7) To issue bonds, notes, or other obligations of the district and use the proceeds thereof  
355 for the purpose of paying all or any part of the cost of any project and otherwise to further  
356 or carry out the public purposes of the district and to pay all costs of the board incidental  
357 to, or necessary and appropriate to, furthering or carrying out such purposes;

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

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

366 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, state  
367 institutions, or a municipal corporation, county, or political subdivision of this state for  
368 the use by the district of any facilities or services of the state or any such state institution,  
369 municipal corporation, county, or political subdivision of this state, or for the use by any  
370 state institution or any municipal corporation, county, or political subdivision of the state  
371 of any facilities or services of the district, provided that such contracts shall deal with

- 372 such activities and transactions as the district and any such political subdivision with  
 373 which the district contracts are authorized by law to undertake;
- 374 (11) To receive and use the proceeds of any tax levied by any county or any municipal  
 375 corporation to pay the costs of any project or for any other purpose for which the board  
 376 may use its own funds pursuant to this Act;
- 377 (12) To receive and administer gifts, grants, and devises of money and property of any  
 378 kind and to administer trusts;
- 379 (13) To use any real property, personal property, or fixtures or any interest therein or to  
 380 rent or lease such property to or from others or make contracts with respect to the use  
 381 thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or  
 382 grant options for any such property in any manner as it deems to be to the best advantage  
 383 of the district and the public purposes thereof;
- 384 (14) To appoint, select, and employ engineers, surveyors, architects, urban or city  
 385 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their  
 386 expenses;
- 387 (15) To encourage and promote the improvement and development of the district and to  
 388 make, contract for, or otherwise cause to be made long-range plans or proposals for the  
 389 district in cooperation with Whitfield County and any municipal corporations in which  
 390 the district is wholly or partially located;
- 391 (16) To adopt bylaws governing the conduct of business by the board, the election and  
 392 duties of officers of the board, and other matters which the board determines to deal with  
 393 in its bylaws;
- 394 (17) To exercise any power granted by the laws of this state to public or private  
 395 corporations which is not in conflict with the public purposes of the district; and
- 396 (18) To do all things necessary or convenient to carry out the powers conferred by this  
 397 Act.
- 398 (b) The powers enumerated in each paragraph of this section are cumulative of and in  
 399 addition to those powers enumerated in this Act; and no such power limits or restricts any  
 400 other power of the board.

## 401 SECTION 11.

### 402 Bonds - generally.

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

- 407 (b) All bonds, notes, and other obligations of any district shall be authorized by resolution  
408 of its board.
- 409 (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time  
410 or times but not more than 40 years from their respective dates, shall bear interest at such rate  
411 or rates which may be fixed or may fluctuate or otherwise change from time to time, shall  
412 be subject to redemption on such terms, and shall contain such other terms, provisions,  
413 covenants, assignments, and conditions as the resolution authorizing the issuance of such  
414 bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants,  
415 assignments, and conditions contained in or provided or permitted by any resolution of the  
416 board authorizing the issuance of such bonds, notes, or other obligations shall bind the board  
417 members of the district then in office and their successors.
- 418 (d) The board shall have power from time to time and whenever it deems it expedient to  
419 refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded  
420 have matured, and may issue bonds partly to refund bonds then outstanding and partly for  
421 any other purpose permitted by this Act. The refunding bonds may be exchanged for the  
422 bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and  
423 the proceeds applied to the purchase or redemption of the bonds to be refunded.
- 424 (e) There shall be no limitation upon the interest rates of any maximum interest rate or rates  
425 on any bonds, notes, or other obligations of the district; and the usury laws of this state shall  
426 not apply to bonds, notes, or other obligations of these districts.
- 427 (f) Bonds issued by a district may be in such form, either coupon or fully registered, or both  
428 coupon and fully registered, and may be subject to such exchangeability and transferability  
429 provisions as the bond resolution authorizing the issuance of such bonds or any indenture or  
430 trust agreement may provide.
- 431 (g) Bonds shall bear a certificate of validation. The signature of the clerk of the Superior  
432 Court of Whitfield County may be made on the certificate of validation of such bonds by  
433 facsimile or by manual execution, stating the date on which such bonds were validated; and  
434 such entry shall be original evidence in any court in this state.
- 435 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear, and the  
436 principal amount and maturities of such bonds, the notice to the district attorney or the  
437 Attorney General, the notice to the public of the time, place, and date of the validation  
438 hearing, and the petition and complaint for validation may state that the bonds when issued  
439 will bear interest at a rate not exceeding a maximum per annum rate of interest, which may  
440 be fixed or may fluctuate or otherwise change from time to time, and that the principal  
441 amount will not exceed and the final maturity date will not be later than as specified in such  
442 notices and petition and complaint or may state that, in the event the bonds are to bear  
443 different rates of interest for different maturity dates, none of such rates will exceed the

444 maximum rate, which may be fixed or may fluctuate or otherwise change from time to time,  
 445 so specified; provided, however, that nothing in this section shall be construed as prohibiting  
 446 or restricting the right of a board to sell such bonds at a discount, even if in doing so the  
 447 effective interest cost resulting therefrom would exceed the maximum per annum interest rate  
 448 specified in such notices and in the petition and complaint.

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

453

### SECTION 12.

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

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

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

463 (c) Issuance by a board of one or more series of bonds, notes, or other obligations for one  
 464 or more purposes shall not preclude it from issuing other bonds, notes, or other obligations  
 465 in connection with the same project or with any other project; but the proceeding wherein  
 466 any subsequent bonds, notes, or other obligations are issued shall recognize and protect any  
 467 prior loan agreement, security agreement, or other agreement or instrument made for any  
 468 prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such  
 469 prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or  
 470 other obligations on a parity with such prior issue.

471

### SECTION 13.

472 Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A.; notice, proceeding,  
 473 publication, referendum.

474 This Act shall be liberally construed to effect the purposes hereof. The offer, sale, or  
 475 issuance of bonds, notes, or other obligations by a district shall not be subject to regulation  
 476 under Chapter 5 of Title 10 of the O.C.G.A. No notice, proceeding, or publication, except

477 those required by this Act, shall be necessary to the performance of any act authorized by this  
 478 Act, nor shall any such act be subject to referendum.

479 **SECTION 14.**

480 Dissolution.

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

483 (1) The adoption of a resolution approving of the dissolution of each community  
 484 improvement district by the governing authority of Whitfield County if wholly within the  
 485 unincorporated area of Whitfield County and such municipalities within which the district  
 486 may be located if partially within the unincorporated area of Whitfield County and  
 487 partially within one or more municipalities, or by the governing authority of a  
 488 municipality if wholly within the incorporated area thereof; and

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

490 (A) Two-thirds of the owners of real property within the district which is subject to  
 491 taxes, fees, and assessments levied by the board of the district; and

492 (B) The owners of real property constituting at least 75 percent by value of all real  
 493 property within the district which is to be subject to taxes, fees, and assessments levied  
 494 by the board, and for this purpose value shall be determined by the most recent  
 495 approved county ad valorem tax digest.

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

499 (b) At the official caucus of electors at which board members are to be elected in the sixth  
 500 year following creation of the district, and every sixth year thereafter, the question shall be  
 501 put to the electors present to dissolve the community improvement district. Upon an  
 502 affirmative vote of a majority of the electors present and voting, who shall represent at least  
 503 75 percent of the votes cast on the basis of value, the board shall send a ballot to each owner  
 504 of property subject to taxes, fees, and assessments levied by the board for a vote on the  
 505 dissolution. Upon receipt of ballots consenting to the dissolution from a majority of the  
 506 property owners, who shall represent at least 75 percent of the assessed value of such  
 507 properties, the board shall request dissolution by the governing authority and shall forward  
 508 such ballots to the Whitfield County tax commissioner for certification.

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

512 effective, no new projects may be undertaken, obligations or debts incurred, or property  
513 acquired.

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

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

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

526 **SECTION 15.**

527 Repealer.

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