

House Bill 879

By: Representatives England of the 116th, Quick of the 117th, and Kirby of the 114th

A BILL TO BE ENTITLED
AN ACT

1 To provide for the creation of one or more community improvement districts in Barrow
2 County and in each municipality therein; to provide for a short title; to provide for the
3 purposes of such districts; to provide for definitions; to provide for boards to administer such
4 districts; to provide for the appointment and election of members of such boards; to provide
5 for taxes, fees, and assessments; to provide for the boundaries of such districts; to provide
6 for debt of such districts; to provide for cooperation with local governments; to provide for
7 powers of such boards; to provide for general obligation bonds, notes, and other obligations
8 of such districts; to provide for the form of bonds, provisions for exchange and transfer,
9 certificates of validation, and specification of interest rates; to provide for use of proceeds
10 of sale of bonds and notes; to provide for construction; to provide that Chapter 5 of Title 10
11 of the O.C.G.A. shall not apply to the offer, sale, or issuance of the boards' bonds, notes, or
12 other obligations; to provide that no notice, proceeding, publication, or referendum shall be
13 required; to provide for dissolutions; to provide for procedures, conditions, and limitations;
14 to provide for related matters; to provide for severability; to provide for an effective date; to
15 repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 Short title.

19 This Act shall be referred to as the "Barrow County Community Improvement Districts Act."

20 **SECTION 2.**

21 Purpose.

22 The purpose of this Act shall be to provide for the creation of one or more community
23 improvement districts within Barrow County and within each municipality therein, and such

24 districts shall be created for the provision of such of the following governmental services and
 25 facilities as may be provided for in the resolution activating each district created by this Act
 26 or any supplemental resolution amending same:

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

37 SECTION 3.

38 Definitions.

39 As used herein, the term:

- 40 (1) "Agricultural" means the growing of crops for sale or raising of animals for sale or
 41 use, including the growing of field crops, fruit or nut trees, the raising of livestock or
 42 poultry, and the operation of dairies, horse-boarding facilities, and riding stables.
- 43 (2) "Board" means the governing body created for the governance of each community
 44 improvement district herein authorized.
- 45 (3) "Bonds" or "general obligation bonds" means any bonds of a district which are
 46 authorized to be issued under the Constitution and laws of Georgia, including refunding
 47 bonds but not including notes or other obligations of a district.
- 48 (4) "Caucus of electors" means for each district the meeting of electors hereinafter
 49 provided for at which the elected board members of the district are elected. A quorum
 50 at such caucus shall consist of those electors present, and a majority of those present and
 51 voting is necessary to elect board members. No proxy votes may be cast.
- 52 (5) "Cost of the project" or "cost of any project" means and includes:
 53 (A) All costs of acquisition (by purchase or otherwise), construction, assembly,
 54 installation, modification, renovation, or rehabilitation incurred in connection with any
 55 project or any part of any project;
- 56 (B) All costs of real property, fixtures, or personal property used in or in connection
 57 with or necessary for any project or for any facilities related thereto, including, but not
 58 limited to, the cost of all land, estates for years, easements, rights, improvements, water

59 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and
60 certificates; the cost of securing any such franchises, permits, approvals, licenses, or
61 certificates; and the cost of preparation of any application therefor and the cost of all
62 fixtures, machinery, equipment (including all transportation equipment and rolling
63 stock), furniture, and other property used in or in connection with or necessary for any
64 project;

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

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

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

73 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust
74 agreement, indenture of trust, or similar instrument or agreement; all expenses incurred
75 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses
76 incurred relative to the issuances of any bonds, notes, or other obligations for any
77 project;

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

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

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

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

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

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

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

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

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

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

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

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

137 (11) "Hereby," "herein," "hereinafter," and "herewith" mean under this Act.

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

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

152 (14) "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 (15) "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 (16) "Taxpayer" means any 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 created
 168 one or more community improvement districts to be located in Barrow County, Georgia,
 169 either wholly within the unincorporated area thereof, or wholly within any municipality
 170 therein, or partly within one or more municipalities and partly within the unincorporated area
 171 thereof, each of which shall be activated upon compliance with the conditions set forth in this
 172 section. Each district shall be governed by a board constituted as provided in Section 5 of this
 173 Act. The conditions for such activation shall be:

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

176 (A) The Board of Commissioners of Barrow County if the district is located wholly
 177 within the unincorporated area of Barrow County;

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 Barrow County and any municipality in which the
 181 district is partially located if it is located partially within the unincorporated area of
 182 Barrow County and partially 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;

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; and

190 (C) The written consent provided for in this paragraph shall be submitted to the tax
 191 commissioner of Barrow County, who shall certify whether subparagraphs (A) and (B)
 192 of this 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 foregoing conditions are met. A copy of such resolutions
 195 shall be filed with the Secretary of State, who shall maintain a record of all districts
 196 activated under this Act, and with the Department of Community Affairs.

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SECTION 5.

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Administration, appointment, and election of board members.

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(a) Each district created pursuant hereto shall be administered by a board composed of a minimum of seven board members to be appointed and elected as hereinafter provided.

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One board member shall be appointed by the Barrow County Board of Commissioners.

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One board member shall be appointed by the governing authority of each municipality if any portion of the district lies within the incorporated area of such municipality, three

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board members shall be elected by the vote of electors, and three members shall be elected

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by the vote of equity electors. The board shall be seven in number plus one for each

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member appointed by the governing authority of each municipality as provided above. The

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members representing the electors and equity electors shall be elected to serve in post

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positions 1 through 6, respectively. Each elected board member must receive a majority

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of the votes cast for the post for which he or she is a candidate. Votes for posts 1, 2, and

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3 shall be cast by electors and votes for posts 4, 5, and 6 shall be cast by equity electors.

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The initial term of office for the members representing posts 1 and 4 shall be one year. The

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initial term of office for the members representing posts 2 and 5 shall be two years and the

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initial term of office of the members representing posts 3 and 6 shall be three years.

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Thereafter, all terms of office shall be for three years, except the appointed board members

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who serve at the pleasure of the governing body which appointed them.

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(b) The initial board members to be elected as provided above shall be elected in a caucus

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of electors which shall be held within 60 days after the adoption of the resolutions and

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obtaining the written consents herein provided at such time and place within the district as

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the Board of Commissioners of Barrow County, or governing body of the municipality if

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the district lies wholly within the incorporated area thereof, shall designate after notice

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thereof shall have been given to such electors by publishing same in the legal organ of

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Barrow County as hereinafter provided. Thereafter, there shall be conducted annually, not

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later than 60 days following the last day for filing ad valorem real property tax returns in

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Barrow County, a caucus of such electors at such time and place within the district as the

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board shall designate in such notice for the purpose of electing board members to those

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board member positions whose terms expire or are vacant. If a vacancy occurs in an

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elected position on the board, the board shall, within 60 days thereof, call a special election

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to fill the same to be held within 60 days of the call unless such vacancy occurs within 180

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days of the next regularly scheduled election, in which case a special election may, but

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need not, be called. For any election held hereunder, notice thereof shall be given to such

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electors by publishing notice thereof in the legal organ of Barrow County at least once each

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week for four weeks prior to such election.

- 233 (c) Board members shall be subject to recall as follows:
- 234 (1) By election, called by a resolution of the Board of Commissioners of Barrow County;
- 235 (2) By election, called by a resolution of the administrative board of the district;
- 236 (3) By election, called by a petition of 20 percent of the electors or a petition of 20
- 237 percent of eligible votes represented by equity electors;
- 238 (4) Upon petition of either a majority of the electors within the district or a majority of
- 239 the equity electors within the district, provided that, if the petition is for recall of an
- 240 elected board member, the petition shall be from the category of voters who elected the
- 241 board member; or
- 242 (5) Upon the termination of an agreement of cooperation. Termination is in the event
- 243 such agreement of cooperation shall lapse (i.e., failure to reenact by the following
- 244 December 31 after an existing agreement of cooperation shall expire on its own terms)
- 245 or an affirmative resolution of rejection of an agreement or reenactment of an agreement
- 246 of cooperation by one of the necessary parties so that no agreement of cooperation is in
- 247 force.
- 248 (d) Board members, including appointed board members, shall be electors within the
- 249 district. If a board member ceases to be an elector, such board member's position shall be
- 250 declared vacant as of the date of the event terminating such status.
- 251 (e) Board members shall receive no compensation for their services but shall be
- 252 reimbursed for actual expenses incurred in the performance of their duties. They shall elect
- 253 one of their number as chairperson and another as vice chairperson and shall also elect a
- 254 secretary and a treasurer or a secretary-treasurer, either of whom may, but need not be a
- 255 member of the board or an elector.
- 256 (f) If the boundaries of a district are subsequently changed after creation of the district to
- 257 include land within a municipality which was not a party to the creation of the district, or
- 258 if a municipality's boundaries are changed to include land within a then existing district,
- 259 the governing authority of the municipality shall acquire the right to appoint a member to
- 260 the board of the district upon entering into the cooperation agreement provided for in
- 261 Section 9 hereof. If the boundaries of a district or municipality are subsequently changed
- 262 after creation of a district to include land within the unincorporated area of Barrow County
- 263 and the district originally had no land within the unincorporated area of Barrow County,
- 264 the Board of Commissioners of Barrow County shall acquire the right to appoint a member
- 265 to the board of the district upon entering into the cooperation agreement provided for in
- 266 Section 9 hereof. If, by municipal annexation or by deannexation of land from a district,
- 267 the district no longer includes land within the unincorporated area of Barrow County or
- 268 within a municipality, respectively, then the board member of the district appointed by such

269 governing authority in which the district is no longer located shall cease to be a board
270 member.

271 (g) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to
272 the election of district board members. The district board may adopt such bylaws not
273 inconsistent herewith to provide for any matter concerning such elections.

274 **SECTION 6.**

275 Taxes, fees, and assessments.

276 (a) The board may levy taxes, fees, and assessments within the district only on real
277 property used nonresidentially, specifically excluding all property exempt from ad valorem
278 taxation under the Constitution or laws of the State of Georgia and all property used for
279 residential, agricultural, or forestry purposes and specifically excluding tangible personal
280 property and intangible property. Any tax, fee, or assessment so levied shall not exceed
281 2 1/2 percent of the aggregate assessed value of all such real property. The taxes, fees, and
282 assessments levied by the board upon the properties shall be equitably apportioned among
283 the properties subject to such taxes, fees, and assessments according to the need for
284 governmental services and facilities created by the degree of density of development of
285 each such property. The proceeds of taxes, fees, and assessments levied by the board shall
286 be used only for the purpose of providing governmental services and facilities which are
287 specially required by the degree of density of development within the district and not for
288 the purpose of providing those governmental services and facilities provided to the county
289 or municipality as a whole. Any tax, fee, or assessment so levied shall be collected by
290 Barrow County if the district lies wholly or partly within the unincorporated area of Barrow
291 County, and by the municipality within which it lies if it is wholly within a municipality,
292 in the same manner as taxes, fees, and assessments are levied by Barrow County or the
293 municipality, respectively. Delinquent taxes shall bear the same interest and penalties as
294 Barrow County or municipal ad valorem taxes, respectively, and may be enforced and
295 collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less
296 a fee to cover the costs of collection of 1 percent thereof, but not more than \$25,000.00 in
297 any one calendar year, shall be transmitted by Barrow County or the municipality who
298 collects same to the board and shall be expended by the board only for the purposes
299 authorized hereby.

300 (b) The board shall levy the above-provided taxes subsequent to the report of the assessed
301 taxable values for the current calendar year and notify in writing the collecting governing
302 bodies so they may include the levy on their regular ad valorem tax bills, if possible.

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

307 **SECTION 7.**

308 Boundaries of the districts.

309 (a) The boundaries of each district shall be as designated as such by the Board of
 310 Commissioners of Barrow County if wholly within the unincorporated area of Barrow
 311 County and such municipalities within which the district may be partially located if
 312 partially within the unincorporated area of Barrow County and partially within one or more
 313 municipalities, or by the governing authority of a municipality if wholly within the
 314 incorporated area thereof, as set forth in the resolutions required in Section 4 hereof, or as
 315 may thereafter be added as hereinafter provided.

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

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

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

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

327 (4) The adoption of a resolution consenting to the annexation by the governing
 328 authorities of Barrow County, if any portion of the district is or is to be in the
 329 unincorporated area of Barrow County, and such municipalities as may have area within
 330 the district before or after the annexation.

331 **SECTION 8.**

332 Debt.

333 Each district may incur debt without regard to the requirements of Article IX, Section V of
 334 the Constitution of Georgia, or any other provision of law prohibiting or restricting the
 335 borrowing of money or the creation of debt by political subdivisions of the State of Georgia,

336 which debt shall be backed by the full faith, credit, and taxing power of the district but shall
 337 not be an obligation of the State of Georgia or any other unit of government of the State of
 338 Georgia other than the district.

339 **SECTION 9.**

340 Cooperation with local governments.

341 The services and facilities provided pursuant to this Act shall be provided for in a
 342 cooperation agreement executed jointly by the board and the governing bodies of Barrow
 343 County and any municipalities within which the district is partially located. The provisions
 344 of this section shall in no way limit the authority of Barrow County or any such municipality
 345 to provide services or facilities within the district; and Barrow County or such municipalities
 346 shall retain full and complete authority and control over any of their facilities located within
 347 their respective areas of any district. Such control shall include, but not be limited to, the
 348 modification of, access to, and degree and type of services provided through or by facilities
 349 of the municipality or county. Nothing contained in this section shall be construed to limit
 350 or preempt the application of any governmental laws, ordinances, resolutions, or regulations
 351 to the district or the services or facilities provided therein. Any community improvement
 352 district created pursuant to this Act shall indemnify and hold harmless the State of Georgia,
 353 Barrow County, any municipality located wholly or partially within such community
 354 improvement district, and any other unit of government of the State of Georgia other than
 355 such community improvement district from any claim or cause of action asserted against, or
 356 which is capable of assertion against, such community improvement district arising from the
 357 acts or omissions of the community improvement district. Neither the State of Georgia,
 358 Barrow County, any municipality located wholly or partially within such district, nor any
 359 other unit of government of the State of Georgia other than the district shall be responsible
 360 or liable for payment of any sum arising from a claim or cause of action asserted, or which
 361 might have been asserted, against such community improvement district arising from the acts
 362 or omissions of the community improvement district.

363 **SECTION 10.**

364 Powers.

365 (a) Each district and its board created pursuant hereto shall have all of the powers
 366 necessary or convenient to carry out and effectuate the purposes and provisions hereof,
 367 including, without limiting the generality of the foregoing, the power:

368 (1) To bring and defend actions;

- 369 (2) To adopt and amend a corporate seal;
- 370 (3) To make and execute contracts, agreements, and other instruments necessary or
371 convenient to exercise the powers of the board or to further the public purposes for which
372 the district is created, including, but not limited to, contracts for construction of projects,
373 leases of projects, contracts for sale of projects, agreements for loans to finance projects,
374 contracts with respect to the use of projects, and agreements with other jurisdictions or
375 community improvement districts regarding multijurisdictional projects or services or for
376 other cooperative endeavors to further the public purposes of the district;
- 377 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
378 personal property of every kind and character, or any interest therein, in furtherance of
379 the public purposes of the district;
- 380 (5) To finance (by loan, grant, lease, or otherwise), construct, erect, assemble, purchase,
381 acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve,
382 install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any
383 project from the proceeds of bonds, notes, or other obligations of the district or any other
384 funds of the district, or from any contributions or loans by persons, corporations,
385 partnerships whether limited or general, or other entities, all of which the board is
386 authorized to receive, accept, and use;
- 387 (6) To borrow money to further or carry out its public purposes and to execute bonds,
388 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale
389 of its bonds, notes, or other obligations, loan agreements, security agreements,
390 assignments, and such other agreements or instruments as may be necessary or desirable,
391 in the judgment of the board, to evidence and to provide security for such borrowing;
- 392 (7) To issue bonds, notes, or other obligations of the district and use the proceeds thereof
393 for the purpose of paying all or any part of the cost of any project and otherwise to further
394 or carry out the public purposes of the district and to pay all costs of the board incidental
395 to, or necessary and appropriate to, furthering or carrying out such purposes;
- 396 (8) To make application directly or indirectly to any federal, state, county, or municipal
397 government or agency or to any other source, whether public or private, for loans,
398 guarantees, or other financial assistance in furtherance of the district's public purposes
399 and to accept and use the same upon such terms and conditions as are prescribed by such
400 federal, state, county, or municipal government or agency or other source;
- 401 (9) Subject to formal approval by the vote of the Board of Commissioners of Barrow
402 County, and governing body of the municipality if the district lies wholly or partially
403 within the incorporated area thereof, to make application directly or indirectly to any
404 federal, state, county, or municipal government or agency or to any other source, whether
405 public or private, for grants in furtherance of the district's public purposes and to accept

- 406 and use the same upon such terms and conditions as are prescribed by such federal, state,
407 county, or municipal government or agency or other source;
- 408 (10) To enter into agreements with the federal government or any agency thereof to use
409 the facilities or services of the federal government or any agency thereof in order to
410 further or carry out the public purposes of the district;
- 411 (11) To contract for any period, not exceeding 50 years, with the State of Georgia, state
412 institutions, or any municipal corporation, county, or political subdivision of this state for
413 the use by the district of any facilities or services of the state or any such state institution,
414 municipal corporation, county, or political subdivision of this state, or for the use by any
415 state institution or any municipal corporation, county, or political subdivision of the state
416 of any facilities or services of the district, provided that such contracts shall deal with
417 such activities and transactions as the district and any such political subdivision with
418 which the district contracts are authorized by law to undertake;
- 419 (12) 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 hereto;
- 422 (13) To receive and administer gifts, grants, and devises of money and property of any
423 kind and to administer trusts;
- 424 (14) 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 the best advantage
428 of the district and the public purposes thereof;
- 429 (15) 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 (16) 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 Barrow County and any municipal corporations in which the
435 district is wholly or partially located;
- 436 (17) To adopt bylaws governing the conduct of business by the board, the election and
437 duties of officers of the board, and other matters which the board determines to deal with
438 in its bylaws;
- 439 (18) To exercise any power granted by the laws of this state to public or private
440 corporations which is not in conflict with the public purposes of the district; and
- 441 (19) To do all things necessary or convenient to carry out the powers conferred hereby.

442 (b) The powers enumerated in each paragraph of subsection (a) of this section are
443 cumulative of and in addition to those powers enumerated herein and elsewhere in this Act;
444 and no such power limits or restricts any other power 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
450 to the repayment of which the full faith and credit and taxing power of the district shall be
451 pledged.

452 (b) All bonds, notes, and other obligations of any district shall be authorized by resolution
453 of its board.

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

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

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

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

476 (g) Bonds shall bear a certificate of validation. The signature of the clerk of the Superior
 477 Court of Barrow County may be made on the certificate of validation of such bonds by
 478 facsimile or by manual execution, stating the date on which such bonds were validated; and
 479 such entry shall be original evidence of the fact of judgment and shall be received as
 480 original evidence in any court in this state.

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

495 (i) The terms "cost of the project" and "cost of any project" shall have the meaning
 496 prescribed herein whenever those terms are referred to in bond resolutions of a board, in
 497 bonds, notes, or other obligations of the district, or in notices or proceedings to validate
 498 such bonds, notes, or other obligations of a district.

499 SECTION 12.

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

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

505 (b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by
 506 a district shall be held and used for the ultimate purpose of paying, directly or indirectly
 507 as permitted herein, all or part of the cost of any project, or for the purpose of refunding
 508 any bonds, notes, or other obligations issued in accordance hereunder.

509 (c) Issuance by a board of one or more series of bonds, notes, or other obligations for one
 510 or more purposes shall not preclude it from issuing other bonds, notes, or other obligations

511 in connection with the same project or with any other projects; but the proceeding wherein
 512 any subsequent bonds, notes, or other obligations are issued shall recognize and protect any
 513 prior loan agreement, security agreement, or other agreement or instrument made for any
 514 prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such
 515 prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or
 516 other obligations on a parity with such prior issue.

517 **SECTION 13.**

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

520 This Act shall be liberally construed to effect the purposes hereof. The offer, sale, or issuance
 521 of bonds, notes, or other obligations by a district shall not be subject to regulation under
 522 Chapter 5 of Title 10 of the O.C.G.A. No notice, proceeding, or publication, except those
 523 required hereby, shall be necessary to the performance of any act authorized hereby, nor shall
 524 any such act be subject to referendum.

525 **SECTION 14.**

526 Dissolution.

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

529 (1) The adoption of a resolution approving of the dissolution of each community
 530 improvement district by the Barrow County Board of Commissioners if wholly within the
 531 unincorporated area of Barrow County and such municipalities within which the district
 532 may be located if partially within the unincorporated area of Barrow County and partially
 533 within one or more municipalities, or by the governing authority of a municipality if
 534 wholly within the incorporated area thereof; and

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

536 (A) Two-thirds (66.67 percent) of the owners of real property within the district which
 537 are subject to taxes, fees, and assessments levied by the board of the district; and

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

542 The written consent provided for in subparagraphs (A) and (B) of this paragraph shall be
 543 submitted to the Barrow County tax commissioner, who shall certify whether

544 subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each
545 proposed district dissolution.

546 (b) At the official caucus of electors at which board members are to be elected in the sixth
547 year following creation of the district, and every sixth year thereafter, the question shall be
548 put to the electors present to dissolve the community improvement district. Upon an
549 affirmative vote of a majority of the electors present and voting, who shall represent at least
550 75 percent of the votes cast on the basis of value, the board shall send a ballot to each
551 owner of property subject to taxes, fees, and assessments levied by the board for a vote on
552 the dissolution. Upon receipt of ballots consenting to the dissolution from a majority of the
553 property owners, who shall represent at least 75 percent of the assessed value of such
554 properties, the board shall request dissolution by the governing authority and shall forward
555 such ballots to the Barrow County tax commissioner for certification.

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

561 (d) Upon a successful dissolution action, all noncash assets of the district other than public
562 facilities or land or easements to be used for such public facilities, as described in Section
563 2 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be
564 applied to the repayment of any or all debt obligations of the district. Any cash remaining
565 after all outstanding obligations are satisfied shall be refunded to each property owner in
566 direct proportion to the total amount in taxes, fees, or assessments paid by the property
567 owner relative to the total revenues paid by all property owners in the district.

568 (e) When a dissolution becomes effective, the governing authority of Barrow County, or
569 the governing authority of a municipality if wholly within the incorporated area thereof,
570 shall take title to all property previously in the ownership of the district and all taxes, fees,
571 and assessments of the district shall cease to be levied and collected.

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

573 **SECTION 15.**

574 Severability.

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

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

582 **SECTION 16.**

583 Effective date.

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

586 **SECTION 17.**

587 Repealer.

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