

Senators Setzler of the 37th and Hufstetler of the 52nd offered the following substitute to HB 685:

A BILL TO BE ENTITLED
AN ACT

1 To provide for the creation of one or more community improvement districts in Bartow
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 for procedures connected with all
17 of the foregoing; to provide for related matters; to repeal conflicting laws; and for other
18 purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 **SECTION 1.**

21 Short title.

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

24 **SECTION 2.**

25 Purpose.

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

31 (1) Street and road construction and maintenance, including curbs, sidewalks, street
32 lights, and devices to control the flow of traffic on streets and roads;

33 (2) Parks and recreational areas and facilities;

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

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

36 (5) Terminal and dock facilities and parking facilities; and

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

38 (b) No community improvement district established pursuant to this Act shall advocate or
39 campaign for or against, or in any way communicate regarding any ballot measure,
40 referendum, or other election to present one or more questions to the voters.

SECTION 3.

Definitions.

43 As used herein, the term:

44 (1) "Agricultural" means the growing of crops for sale or raising of animals for sale or
45 use, including the growing of field crops, fruit or nut trees, the raising of livestock or
46 poultry, and the operation of dairies, horse-boarding facilities, and riding stables.

47 (2) "Board" means the governing body created for the governance of each community
48 improvement district herein authorized.

49 (3) "Bonds" or "general obligation bonds" means any bonds of a district which are
50 authorized to be issued under the Constitution and laws of Georgia, including refunding
51 bonds but not including notes or other obligations of a district.

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

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

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

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

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

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

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

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

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

120 property for elections based on value majority, which must be cast by one of their number
121 who is designated in writing.

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

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

141 (10) "Hereby," "herein," "hereinafter," and "herewith" have the meanings generally
142 ascribed to these words.

143 (11) "Project" means the acquisition, construction, installation, modification, renovation,
144 or rehabilitation of land, interests in land, buildings, structures, facilities, or other
145 improvements located or to be located within the district or in another community
146 improvement district immediately adjoining the district as to directly benefit the district,

147 or in another community improvement district immediately adjoining the district or in
148 another community improvement district contiguous to a community improvement
149 district adjoining the district, such benefit to be determined by the board, and the
150 acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures,
151 machinery, equipment, furniture, or other property of any nature whatsoever used on, in,
152 or in connection with any such land, interest in land, building, structure, facility, or other
153 improvement, for all the essential public purposes set forth in Section 2 of this Act.

154 (12) "Property owner" or "owner of real property" means any entity or person shown as
155 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
156 records of Bartow County within the district as certified by the Bartow County Tax
157 Commissioner. Multiple owners of one parcel shall constitute one property owner and
158 shall designate in writing one of their number to represent the whole.

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

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

168 **SECTION 4.**

169 **Creation.**

170 Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is
171 created one or more community improvement districts to be located in Bartow County,

172 Georgia, either wholly within the unincorporated area thereof, or wholly within any
173 municipality therein, or partly within one or more municipalities and partly within the
174 unincorporated area thereof, each of which shall be activated upon compliance with the
175 conditions provided in this Act and which shall be governed by a board as constituted
176 pursuant to this Act. The conditions for such activation shall be:

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

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

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

185 (C) The governing authorities of Bartow County and any municipality in which the
186 district is partially located if it is partially located within the unincorporated area of
187 Bartow County and partly within the incorporated area of any municipality; and

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

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

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

195 (C) The written consent provided for in this paragraph shall be submitted to the Bartow
196 County Tax Commissioner who shall certify whether subparagraphs (A) and (B) of this
197 paragraph have been satisfied with respect to each such proposed district.

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

203 **SECTION 5.**

204 Administration, appointment, and election of board members.

205 (a) Each district created pursuant to this Act shall be administered by a board composed of
206 a minimum of seven members to be appointed and elected as provided in this section. Two
207 board members shall be appointed by the governing authority of Bartow County, and one
208 board member shall be appointed by the governing authority of each municipality within
209 which any portion of the district lies; provided, however, that in the event the district lies
210 entirely within a municipality, two board members shall be appointed by the governing
211 authority of such municipality and the governing authority of Bartow County shall have no
212 appointees. The remaining board members shall be elected by the owners of real property
213 within the district subject to taxes, fees, and assessments levied by the board. The board
214 shall be seven in number plus one or two members appointed by the governing authority of
215 each municipality as provided above. The appointed board members shall serve at the
216 pleasure of the governing body which appointed same, respectively. The initial elected board
217 members shall serve for terms of office as follows: two shall serve for two years, and the
218 remaining board members shall serve for four years. Thereafter, all terms of office shall be
219 for four years and until a successor is elected and qualified, except the appointed members
220 who serve at the pleasure of the governing body which appointed them.

221 (b) The initial board members to be elected as provided in this Act shall be elected in a
222 caucus of electors, which shall be held within 60 days after the adoption of the resolutions

223 and obtaining the written consents provided for in this Act at such time and place within the
224 district as the governing authority of Bartow County shall designate after notice thereof shall
225 have been given to said electors by publishing notice thereof in the legal organ of Bartow
226 County once a week for four weeks prior to such caucus. Thereafter, there shall be
227 conducted biennially, not later than 60 days following the last day for filing ad valorem
228 property tax returns in Bartow County, a caucus of said electors at such time and place within
229 the district as the board shall designate in such notice for the purpose of electing board
230 members to those positions which have terms expiring or are vacant. If a vacancy occurs in
231 an elected position on the board, the board shall, within 60 days thereafter, call a special
232 election to fill the same to be held within 60 days of the call unless such vacancy occurs
233 within 180 days of the next regularly scheduled election, in which case a special election
234 may, but need not, be called. For any election held under the provisions of this Act, notice
235 of said election shall be given the electors by publishing notice thereof in the legal organ of
236 Bartow County once a week for four weeks prior to such caucus.

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

246 (d) Elected board members shall be subject to recall by the vote of a caucus of electors, said
247 caucus being called by the board pursuant to a petition of 20 percent of the electors within
248 the district or by a petition of holders of 20 percent of the eligible voters represented by

249 equity electors, provided that the petition shall be from the category of voters who elected
250 the board member to be subject to the recall election.

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

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

259

SECTION 6.

260

Taxes, fees, and assessments.

261 (a) The board may levy taxes, fees, and assessments within the district only on real property,
262 specifically excluding all property exempt from ad valorem taxation under the Constitution
263 or laws of the State of Georgia and all property used for residential, agricultural, or forestry
264 purposes and specifically excluding tangible personal property and intangible property. Any
265 tax, fee, or assessment so levied shall not exceed 5 mills of the aggregate assessed value of
266 all such real property. The taxes, fees, and assessments levied by the board upon the
267 properties shall be equitably apportioned among the properties according to the need for
268 governmental services and facilities created by the degree of density of development within
269 the district and not for the purpose of providing those governmental services and facilities
270 provided to the county or municipality as a whole. Any tax, fee, or assessment so levied
271 shall be collected by Bartow County in the same manner as taxes, fees, and assessments are
272 levied by the county. Delinquent taxes shall bear the same interest and penalties as Bartow
273 County ad valorem taxes and may be enforced and collected in the same manner. The

274 proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection
275 of 1 percent thereof, but not more than \$25,000.00 in any one calendar year, shall be
276 transmitted by Bartow County to the board and shall be expended by the board only for the
277 purposes authorized hereby.

278 (b) The board shall levy the above-provided taxes and notify in writing the collecting
279 governing body so it may include the levy on its regular ad valorem tax bills.

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

284

SECTION 7.

285

Boundaries of the districts.

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

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

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

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

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

304 (4) The adoption of a resolution consenting to the annexation by the governing
305 authorities of Bartow County, if any portion of the district is or is to be in the
306 unincorporated area of Bartow County, and such municipalities as may have area within
307 the district before or after the annexation.

308 **SECTION 8.**

309 Debt.

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

316 **SECTION 9.**

317 Cooperation with local governments.

318 The services and facilities provided pursuant to this Act shall be provided for in a
319 cooperation agreement executed jointly by the board and the governing bodies of Bartow
320 County and any municipalities within which the district is partially located. The provisions

321 of this section shall in no way limit the authority of Bartow County or any such municipality
322 to provide services or facilities within the district; and Bartow County or such municipalities
323 shall retain full and complete authority and control over any of their facilities located within
324 their respective areas of any district. Said control shall include, but not be limited to, the
325 modification of, access to, and degree and type of services provided through or by facilities
326 of the municipality or county. Nothing contained in this section shall be construed to limit
327 or preempt the application of any governmental laws, ordinances, resolutions, or regulations
328 to the district or the services or facilities provided therein.

329

SECTION 10.

330

Board and district powers.

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

334 (1) To bring and defend actions;

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

336 (3) To make and execute contracts, agreements, and other instruments necessary or
337 convenient to exercise the powers of the board or to further the public purposes for which
338 the district is created, including, but not limited to, contracts for construction of projects,
339 leases of projects, contracts for sale of projects, agreements for loans to finance projects,
340 contracts with respect to the use of projects, and agreements with other jurisdictions or
341 community improvement districts regarding multijurisdictional projects or services or for
342 other cooperative endeavors to further the public purposes of the district;

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

- 346 (5) To finance by loan, grant, lease, or otherwise and to construct, erect, assemble,
347 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,
348 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the
349 cost of any project from the proceeds of bonds, notes, or other obligations of the district
350 or any other funds of the district, or from any contributions or loans by persons,
351 corporations, partnerships, whether limited or general, or other entities, all of which the
352 board is authorized to receive, accept, and use;
- 353 (6) To borrow money to further or carry out its public purposes and to execute bonds,
354 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale
355 of its bonds, notes, or other obligations, loan agreements, security agreements,
356 assignments, and such other agreements or instruments as may be necessary or desirable,
357 in the judgment of the board, to evidence and to provide security for such borrowing;
- 358 (7) To issue bonds, notes, or other obligations of the district and use the proceeds thereof
359 for the purpose of paying all or any part of the cost of any project and otherwise to further
360 or carry out the public purposes of the district and to pay all costs of the board incidental
361 to, or necessary and appropriate to, furthering or carrying out such purposes;
- 362 (8) To grant, mortgage, convey, assign, or pledge its property, revenues, taxes, fees, or
363 assessments to be received as security for its notes or other indebtedness and obligations;
- 364 (9) To invest its funds in such manner as it may deem prudent and appropriate, without
365 further restriction;
- 366 (10) To create, provide, and enhance public services as may be deemed necessary,
367 provided that such services do not conflict with or duplicate existing Bartow County or
368 municipal services;
- 369 (11) To reimburse expenses for the creation and approval of a district;
- 370 (12) To make application directly or indirectly to any federal, state, county, or municipal
371 government or agency or to any other source, whether public or private, for loans, grants,
372 guarantees, or other financial assistance in furtherance of the district's public purposes

373 and to accept and use the same upon such terms and conditions as are prescribed by such
374 federal, state, county, or municipal government or agency or other source;

375 (13) To enter into agreements with the federal government or any agency thereof to use
376 the facilities or services of the federal government or any agency thereof in order to
377 further or carry out the public purposes of the district;

378 (14) To contract for any period, not exceeding 50 years, with the State of Georgia, state
379 institutions, or a municipal corporation, county, or political subdivision of this state for
380 the use by the district of any facilities or services of the state or any such state institution,
381 municipal corporation, county, or political subdivision of this state, or for the use by any
382 state institution or any municipal corporation, county, or political subdivision of the state
383 of any facilities or services of the district, provided that such contracts shall deal with
384 such activities and transactions as the district and any such political subdivision with
385 which the district contracts are authorized by law to undertake;

386 (15) To receive and use the proceeds of any tax levied by any county or any municipal
387 corporation to pay the costs of any project or for any other purpose for which the board
388 may use its own funds pursuant hereto;

389 (16) To receive and administer gifts, grants, and devises of money and property of any
390 kind and to administer trusts;

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

396 (18) To appoint, select, and employ engineers, surveyors, architects, urban or city
397 planners, fiscal agents, attorneys, accountants, consultants, and others and to fix their
398 compensation and pay their expenses;

- 399 (19) To encourage and promote the improvement and development of the district and to
400 make, contract for, or otherwise cause to be made long-range plans or proposals for the
401 district in cooperation with Bartow County and any municipal corporations in which the
402 district is wholly or partially located;
- 403 (20) To adopt bylaws governing the conduct of business by the board, the election and
404 duties of officers of the board, and other matters which the board determines to deal with
405 in its bylaws;
- 406 (21) To exercise any power granted by the laws of this state to public or private
407 corporations which is not in conflict with the public purposes of the district; and
- 408 (22) To do all things necessary or convenient to carry out the powers conferred hereby.
- 409 (b) The powers enumerated in each paragraph of this section are cumulative of and in
410 addition to those powers enumerated herein and elsewhere in this Act; and no such power
411 limits or restricts any other power of the board.

412 **SECTION 11.**

413 Bonds - generally.

- 414 (a) Notes or other obligations issued by a district, other than general obligation bonds, shall
415 be paid solely from the property pledged to pay such notes or other obligations. General
416 obligation bonds issued by any district shall constitute a general obligation of the district to
417 the repayment of which the full faith, credit, and taxing power of the district shall be pledged.
- 418 (b) All bonds, notes, and other obligations of any district shall be authorized by resolution
419 of its board.
- 420 (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time
421 or times but not more than 40 years from their respective dates, shall bear interest at such rate
422 or rates which may be fixed or may fluctuate or otherwise change from time to time, shall
423 be subject to redemption on such terms, and shall contain such other terms, provisions,

424 covenants, assignments, and conditions as the resolution authorizing the issuance of such
425 bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants,
426 assignments, and conditions contained in or provided or permitted by any resolution of the
427 board authorizing the issuance of such bonds, notes, or other obligations shall bind the board
428 members of the district then in office and their successors.

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

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

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

442 (g) Bonds shall bear a certificate of validation. The signature of the clerk of the Superior
443 Court of Bartow County may be made on the certificate of validation of such bonds by
444 facsimile or by manual execution, stating the date on which such bonds were validated; and
445 such entry shall be original evidence in any court in this state.

446 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear, and the
447 principal amount and maturities of such said bonds, the notice to the district attorney or the
448 Attorney General, the notice to the public of the time, place, and date of the validation
449 hearing, and the petition and complaint for validation may state that the bonds when issued
450 will bear interest at a rate not exceeding a maximum per annum rate of interest, which may

451 be fixed or may fluctuate or otherwise change from time to time, and that the principal
452 amount will not exceed and the final maturity date will not be later than as specified in such
453 notices and petition and complaint or may state that, in the event the bonds are to bear
454 different rates of interest for different maturity dates, none of such rates will exceed the
455 maximum rate, which may be fixed or may fluctuate or otherwise change from time to time,
456 so specified; provided, however, that nothing in this section shall be construed as prohibiting
457 or restricting the right of a board to sell such bonds at a discount, even if in doing so the
458 effective interest cost resulting therefrom would exceed the maximum per annum interest rate
459 specified in such notices and in the petition and complaint.

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

464

SECTION 12.

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

467

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

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

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

477 in connection with the same project or with any other project; but the proceeding wherein
478 any subsequent bonds, notes, or other obligations are issued shall recognize and protect any
479 prior loan agreement, security agreement, or other agreement or instrument made for any
480 prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such
481 prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or
482 other obligations on a parity with such prior issue.

483

SECTION 13.

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

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

491

SECTION 14.

492

Dissolution.

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

495 (1) The adoption of a resolution approving of the dissolution of each community
496 improvement district by the governing authority of Bartow County if wholly within the
497 unincorporated area of Bartow County and such municipalities within which the district
498 may be located if partially within the unincorporated area of Bartow County and partially

499 within one or more municipalities, or by the governing authority of a municipality if
500 wholly within the incorporated area thereof; and

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

502 (A) Two-thirds (67 percent) of the owners of real property within the district which are
503 subject to taxes, fees, and assessments levied by the board of the district; and

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

508 The written consent provided for in this paragraph shall be submitted to the Bartow
509 County Tax Commissioner, who shall certify whether subparagraphs (A) and (B) of this
510 paragraph have been satisfied with respect to each proposed district dissolution.

511 (b) At such time as the board determines appropriate within each six-year period following
512 the creation of the district, the question shall be put before a caucus of electors as to whether
513 or not to dissolve the district. Upon an affirmative vote of a majority of the electors present
514 and voting, who shall represent at least 75 percent of the votes cast on the basis of value, the
515 board shall send a ballot to each owner of property subject to taxes, fees, and assessments
516 levied by the board for a vote on the dissolution. Upon receipt of ballots consenting to the
517 dissolution from a majority of the property owners, who shall represent at least 75 percent
518 of the assessed value of said properties, the board shall request dissolution by the governing
519 authority and shall forward said ballots to the Bartow County Tax Commissioner for
520 certification.

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

526 (d) Upon a successful dissolution action, all noncash assets of the district other than public
527 facilities or land or easements to be used for such public facilities, as described in Section 2
528 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be applied
529 to the repayment of any debt or other obligations of the district. Any cash remaining after
530 all outstanding obligations are satisfied shall be refunded to each property owner in direct
531 proportion to the total amount in taxes, fees, or assessments paid by the property relative to
532 the total revenues paid by all properties in the district in the most recent tax year.

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

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

538

SECTION 15.

539

Repealer.

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