

Senate Bill 629

By: Senator Anavitarte of the 31st

A BILL TO BE ENTITLED
AN ACT

1 To repeal an Act incorporating the town of Braswell, approved December 13, 1895, (Ga. L.
2 1895, p. 142), as amended; to provide for transfer of duties and obligations to Paulding and
3 Polk counties; to provide for transfer of all legal rights, privileges, and assets to Paulding and
4 Polk counties; to establish special tax and service districts for outstanding bonded
5 indebtedness and other obligations; to provide for transfer of all federal and state permits and
6 licenses; to provide for the transfer of ongoing judicial actions; to provide for the
7 continuation of zoning and land use regulations; to provide for future proceeds of special and
8 regular local option sales taxes; to provide for the designation of the Community of Braswell;
9 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 An Act incorporating the town of Braswell, approved December 13, 1895, (Ga. L. 1895,
14 p. 142), as amended, is hereby repealed in its entirety.

15

SECTION 2.

16 Paulding County, Georgia, and Polk County, Georgia, shall be vested with full authority to
17 provide all governmental services within that area comprising the former jurisdictional
18 boundary of the town of Braswell, also known as the City of Braswell, which lies within the
19 respective boundaries of each county. All ordinances, rules, and regulations of Paulding and
20 Polk counties shall apply within such area as they do in other unincorporated areas of each
21 county, and the appropriate courts of Paulding and Polk counties shall have jurisdiction to
22 enforce such ordinances; provided, however, that this transition shall not impact any vested
23 rights accrued prior to the effective date of this Act.

24

SECTION 3.

25 Upon the effective date of this Act, the existence of any local authority created by or for the
26 town of Braswell shall likewise terminate on the same date; provided, however, that any joint
27 authority of which the town of Braswell was a part shall be modified by operation of law to
28 remove the town of Braswell, and that authority shall continue in existence with its
29 remaining members. The assets and liabilities of any authority terminated pursuant to this
30 section shall be treated in the same manner as assets and liabilities of the town of Braswell
31 under this Act.

32

SECTION 4.

33 (a) There is hereby created a special tax and service district to be known as the
34 Braswell-Paulding Services District which shall correspond to and be coterminous with the
35 corporate limits of the town of Braswell as those corporate limits existed on the effective date
36 of this Act and which lie within Paulding County. Upon the completion of the purposes
37 provided in this Act for such district, the tax and service district may be abolished by a
38 resolution of the governing authority of Paulding County.

39 (b) There is hereby created a special tax and service district to be known as the
40 Braswell-Polk Services District which shall correspond to and be coterminous with the
41 corporate limits of the town of Braswell as those corporate limits existed on the effective date
42 of this Act and which lie within Polk County. Upon the completion of the purposes provided
43 in this Act for such district, the tax and service district may be abolished by a resolution of
44 the governing authority of Polk County.

45 **SECTION 5.**

46 (a)(1) Except as provided in this Act, all legal rights, privileges, and assets of the town of
47 Braswell and all records of such assets shall pass to Paulding and Polk counties in
48 accordance with the provisions of this section without the necessity or formality of a deed,
49 bill of sale, or other instrument of transfer.

50 (2) The following assets and records of such assets shall transfer to Paulding County:

51 (A) All real property assets of the town of Braswell of any nature, including, without
52 limitation, freehold estates, easements, life estates, future interests, and co-owned
53 interests which are located within Paulding County;

54 (B) All tangible and intangible personal property assets of the town of Braswell of any
55 nature, including, without limitation, vehicles, heavy equipment, office equipment, and
56 software which are associated with real property located in or services provided
57 exclusively in Paulding County;

58 (C) All accounts receivable, rights to payment under contracts fully performed by the
59 town of Braswell, and similar financial assets of the town of Braswell of any nature; and

60 (D) All digital and electronic papers and records of the town of Braswell; provided,
61 however, that copies of all such papers and records shall be provided to Polk County.

62 (3) The following assets and records of such assets shall transfer to Polk County:

63 (A) All real property assets of the town of Braswell of any nature, including, without
64 limitation, freehold estates, easements, life estates, future interests, and co-owned
65 interests which are located within Polk County; and

66 (B) All tangible and intangible personal property assets of the town of Braswell of any
67 nature, including, without limitation, vehicles, heavy equipment, office equipment, and
68 software which are associated with real property located in or services provided
69 exclusively in Polk County.

70 (4) All assets and records of such assets of the town of Braswell not provided for in
71 paragraphs (2) and (3) of this subsection and not expressly excluded from the provisions
72 of this section shall pass to Paulding County; provided, however, that Paulding County
73 shall be authorized to transfer such assets and records of such assets to Polk County by a
74 joint resolution of the governing authorities of Paulding and Polk counties.

75 (b) Expressly excluded from this section are any rights or assets that derive from executory
76 contracts of the town of Braswell addressed in Section 6 of this Act.

77 (c) Those amounts in any general fund for the town of Braswell shall be divided between
78 Paulding and Polk counties in shares equal to the percentage of the town's population that
79 resides in each county. Such funds shall be immediately transferred to the general funds of
80 Paulding and Polk counties and segregated by such counties for the provision of services
81 within the Braswell-Paulding Services District and the Braswell-Polk Services District,
82 respectively.

83 (d) Those amounts in any special fund for the town of Braswell shall immediately be
84 transferred to a special fund of Paulding County and segregated by Paulding County for their
85 designated special purpose; provided, however, that Paulding County shall transfer to a
86 special fund of Polk County the portion of such amounts designated for use in Polk County.

87

SECTION 6.

88 (a) Except as specifically provided in this Act, neither Paulding County, Polk County, nor
89 the State of Georgia nor any political subdivision of the State of Georgia shall bear any
90 responsibility or liability for obligations, amounts, claims, debts, causes of action, judgments,
91 or liabilities that have accrued to the town of Braswell or its local public authorities, up to
92 and including the effective date of this Act. Nothing in this Act shall in any manner obligate
93 Paulding County or Polk County to provide continued employment for any employee of the
94 town of Braswell or any local public authority of the city.

95 (b) Any bonded indebtedness of the town of Braswell shall become the debt and obligation
96 of the special tax and service districts established pursuant to Section 4 of this Act in shares
97 equal to the percentage of the town's population that resides in each special tax and service
98 district. Paulding and Polk counties shall be the successor to the town of Braswell for all
99 purposes relating to such bonded indebtedness, including the enforcement of rights and
100 remedies of bondholders. Each county, by resolution, shall be authorized but not required
101 to levy a special district tax, fee, or assessment within the Braswell-Paulding Services
102 District and the Braswell-Polk Services District, respectively, for the purpose of paying the
103 amounts due on such bonded debt.

104 (c) Other than those bonded debts provided for in subsection (b) of this section and
105 Section 11 of this Act, Paulding and Polk counties shall be authorized but not required to
106 assume the rights and duties of any executory contract of the town of Braswell in effect as
107 of the effective date of this Act. If assumed, any rights and obligations of such contracts that
108 by their nature are personal to the city shall be deemed to apply to the personnel, services,
109 and assets formerly belonging to the city so as to reasonably fulfill the basic purpose and
110 bargain of the original contract. Paulding and Polk counties, by resolution, shall be
111 authorized but not required to levy a special district tax, fee, or assessment within the
112 Braswell-Paulding Services District and Braswell-Polk Services District, respectively, for
113 the purpose of paying the amounts due under such assumed contracts, to the extent that the

114 financial obligations under such contract cannot be fully funded by funds and assets devolved
115 to the county from the town of Braswell.

116 (d) Financial assets and property devolved to Paulding County or Polk County that are
117 deemed by the county to be excess for purposes of serving the Braswell-Paulding Services
118 District and Braswell-Polk Services District, respectively, shall be used to satisfy any
119 obligations and retire any indebtedness of the town of Braswell.

120

SECTION 7.

121 To the maximum extent permitted by law, all federal and state permits and licenses issued
122 to the town of Braswell or its local authorities shall be transferred by operation of law to
123 Paulding County. Paulding and Polk counties shall be authorized to adopt a joint resolution
124 to transfer such permits and licenses to Polk County as appropriate.

125

SECTION 8.

126 Notwithstanding any provisions of this Act to the contrary, on the effective date of this Act,
127 if any person is held in the custody of the town of Braswell, such person may be transferred
128 over to the custody of the Paulding County Sheriff's Office, Polk County Sheriff's Office, or
129 other appropriate law enforcement agency.

130

SECTION 9.

131 All cases pending in the Municipal Court of the town of Braswell shall be automatically
132 transferred to the magistrate court of the county in which the violation giving rise to the
133 pending case occurred, or the appropriate court of competent jurisdiction in Paulding County
134 or Polk County if jurisdiction does not lie in magistrate court. Any transfer of law
135 enforcement jurisdiction to Paulding County or Polk County shall not in and of itself abate
136 any pending prosecution of any violation of any ordinance of the town of Braswell, and each
137 county shall be entitled to enforce such city ordinance if a violation occurred in that county

138 while the city ordinances were in effect. As for any other lawsuits involving the town of
139 Braswell in the Georgia judicial system, the city shall cease to exist and therefore shall no
140 longer be a proper party to any legal action.

141

SECTION 10.

142 The zoning and land use regulations of the town of Braswell shall be deemed Paulding
143 County and Polk County ordinances and shall apply only within the Braswell-Paulding
144 Services District and Braswell-Polk Services District, respectively, which lie within each
145 county, unless and until Paulding and Polk counties adopt zoning and land use regulations
146 covering the properties within the Braswell-Paulding Services District and Braswell-Polk
147 Services District, respectively.

148

SECTION 11.

149 Paulding and Polk counties shall be entitled to receive the town of Braswell's share of
150 proceeds of any special purpose local option sales tax imposed pursuant to Article 3 of
151 Chapter 8 of Title 48 of the O.C.G.A. in their respective county and shall use those proceeds
152 to complete the city projects authorized by the applicable referendum or otherwise abandon
153 the projects in accordance with general law. To the extent that any intergovernmental
154 agreement has been approved between Paulding County and its qualified municipalities or
155 Polk County and its qualified municipalities in connection with such special purpose local
156 option sales tax, each county shall have the power to act in place of the city for purposes of
157 that agreement.

158

SECTION 12.

159 Paulding and Polk counties and their respective qualified municipalities shall divide the town
160 of Braswell's share of proceeds of any local option sales tax collected in their respective
161 county in accordance with the provisions of Code Section 48-8-89.2 of the O.C.G.A.

162

SECTION 13.

163 There is hereby designated a Community of Braswell which shall correspond to and be
164 coterminous with the corporate limits of the town of Braswell as those corporate limits
165 existed on the effective date of this Act. Paulding and Polk counties are authorized to
166 provide appropriate signage so as to mark the boundaries of such community.

167

SECTION 14.

168 This Act shall become effective on January 1, 2027.

169

SECTION 15.

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