

Senate Bill 616

By: Senators Halpern of the 39th, Kemp of the 38th, James of the 28th, Orrock of the 36th, McLaurin of the 14th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating one or more community improvement districts in unincorporated
2 Fulton County, approved April 3, 1987 (Ga. L. 1987, p. 5460), as amended, particularly by
3 an Act approved April 2, 1998 (Ga. L. 1998, p. 4065) and an Act approved April 2, 2014
4 (Ga. L. 2014, p. 3526), so as to provide for written consent for the creation of community
5 improvement districts; to provide for submission of certain resolutions; to provide for the
6 appointment of a certain number of board members in case of vacancies on the board for
7 certain community improvement districts; to provide for special elections for certain
8 vacancies for certain community improvement districts; to provide for notice; to provide for
9 annexation of property into a community improvement district; to provide for written consent
10 for dissolution of community improvement districts; to provide for a definition; to provide
11 for related matters; to repeal conflicting laws; and for other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

13 **SECTION 1.**

14 An Act creating one or more community improvement districts in unincorporated Fulton
15 County, approved April 3, 1987 (Ga. L. 1987, p. 5460), as amended, particularly by an Act

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16 approved April 2, 1998 (Ga. L. 1998, p. 4065) and an Act approved April 2, 2014 (Ga. L.
17 2014, p. 3526), is amended by revising paragraph (12) of Section 3 as follows:

18 "(12) 'Property owner' or 'owner of real property' means any entity or person shown as
19 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
20 records of Fulton County within the district. Multiple owners of one parcel shall
21 constitute one property owner and shall designate in writing one of their number to
22 represent the whole."

23

SECTION 2.

24 Said Act is further amended by revising paragraph (2) of Section 4 as follows:

25 "(2)(A) Written consent to the creation of the community improvement district by:

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

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

32 (iii) The written consent provided for in this subparagraph shall be submitted to the
33 Fulton County Tax Commissioner who shall, within 60 days of receipt of said written
34 consent, either certify whether divisions (i) and (ii) of this subparagraph have been
35 satisfied with respect to each proposed district or state in writing the reasons why
36 certification cannot be made.

37 (B) No district or board created under this Act shall transact any business or exercise
38 any powers under this Act until the conditions of subparagraph (A) of this paragraph
39 are met. A copy of such resolutions shall be filed with the Secretary of State who shall
40 maintain a record of all districts activated under this Act and a second copy shall be
41 filed with the Department of Community affairs."

SECTION 3.

42

43 Said Act is further amended by adding a new subsection to Section 5 to read as follows:

44 "(b.1) This subsection shall only apply to districts with a companion district in an adjacent
45 county. The initial board members to be elected as provided herein shall be elected in a
46 caucus of electors which shall be held within 60 days after the adoption of the resolutions
47 and obtaining the written consents herein provided at such time and place within the district
48 as the Fulton County Board of Commissioners shall designate after notice thereof shall
49 have been given to said electors by publishing the same in the legal organ of Fulton County
50 as hereinafter provided. Thereafter, there shall be conducted biennially, not later than 60
51 days following the last day for filing ad valorem property tax returns in Fulton County, a
52 caucus of said electors at such time and place within the district as the board shall designate
53 in such notice for the purpose of electing board members to those positions which have
54 terms expiring or are vacant. If a vacancy occurs in an elected position on the board, the
55 remaining members of the board shall, by majority vote within 60 days, appoint an elector
56 to fill such vacancy. A board member appointed by the majority vote of the board to fill
57 a vacancy shall only serve until the next regularly scheduled election, regardless of the
58 actual duration of the unexpired term of the board member vacating the position. At no
59 time shall the board include more than two members who were appointed by other board
60 members. If a vacancy occurs while two board members appointed by the board are
61 currently serving on the board, then a special election shall be called to fill the unexpired
62 term as provided for in this subsection. If a vacancy occurs for which a special election is
63 required, the board shall, within 60 days of the vacancy, call an election to be held within
64 60 days of such call, unless the vacancy occurs within 180 days of the next regularly
65 scheduled election, in which case a special election may, but need not, be called. For any
66 special election held pursuant to this subsection, notice of the special election shall be
67 given to the electors by publishing notice of the special election in the legal organ of Fulton

68 County on four dates at least 45 days, 31 days, 17 days, and ten days, respectively, prior
69 to such election."

70

SECTION 4.

71 Said Act is further amended by revising subsection (a) and paragraph (4) of subsection (b)
72 of Section 7 as follows:.

73 "(a) The boundaries of each district shall be as designated as such by the Fulton County
74 Board of Commissioners if wholly within unincorporated Fulton County and such
75 municipalities within which the district may be partially located if partially within the
76 unincorporated area of Fulton County and partially within one or more municipalities, or
77 by the governing authority of a municipality if wholly within the unincorporated area
78 thereof, as set forth in the resolutions required in Section 4 of this act, or as may thereafter
79 be added as provided in this Act. In the event the real property is added to the district after
80 its initial creation, if none of the annexation area is in unincorporated Fulton County, the
81 Fulton County Board of Commissioners shall not be required to make an additional
82 designation of boundaries of the district. Municipalities that do not have parcels in the
83 annexation area shall not be required to make an additional designation of boundaries."

84 "(4) The adoption of a resolution consenting to the annexation by the governing
85 authorities of Fulton County, if any portion of the annexed area is to be in the
86 unincorporated area of Fulton County, and such municipalities as may have area within
87 the district to be added by the annexation."

88

SECTION 5.

89 Said Act is further amended by revising paragraph (2) of subsection (a) of Section 14 as
90 follows:

91 "(2)(A) The written consent to the dissolution of the community improvement district
92 by:

- 93 (i) Two-thirds of the owners of real property within the district which are subject to
94 taxes, fees, and assessments levied by the board of the district; and
- 95 (ii) The owners of real property constituting at least 75 percent by value of all real
96 property within the district which are to be subject to taxes, fees, and assessments
97 levied by the board and for this purpose value shall be determined by the most recent
98 approved county ad valorem tax digest.
- 99 (B) The written consent provided for in this paragraph shall be submitted to the Fulton
100 County Tax Commissioner, who shall certify whether divisions (i) and (ii) of
101 subparagraph (A) of this paragraph have been satisfied with respect to such proposed
102 dissolution."

103

SECTION 6.

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