

House Bill 1215 (AS PASSED HOUSE AND SENATE)

By: Representatives Jackson of the 64th, Bazemore of the 63rd, Bonner of the 72nd, Singleton of the 71st, and Mathiak of the 73rd

A BILL TO BE ENTITLED
AN ACT

1 To provide for the creation of one or more community improvement districts in the City of
2 Fayetteville City; to provide for a short title; to provide for the purposes of such districts; to
3 provide for definitions; to provide for boards to administer such districts; to provide for terms
4 of limited existence; to provide for appointment or election of members of such boards; to
5 provide for taxes, fees, and assessments; to provide for the boundaries of such districts; to
6 provide procedures for determining the specifications for projects to be undertaken by the
7 district and the manner of levying taxes, fees, and assessments with respect thereto; to
8 provide for the debt of such districts; to provide for cooperation with local governments; to
9 provide for powers of such boards; to provide for general obligation bonds, notes, and other
10 obligations of such districts; to provide for the form of bonds, provisions for exchange and
11 transfer, certificates of validation, and specification of interest rates; to provide for definition
12 of the terms "cost of the project" and "cost of any project" as used in bond resolutions and
13 elsewhere; to provide for authorized contents of agreements and instruments of the boards
14 generally; to provide for use of proceeds of sale of bonds, notes, and other obligations; to
15 provide for subsequent issues of bonds, notes, and other obligations; to provide for
16 construction; to provide that no notice, proceeding, publication, or referendum shall be
17 required; to provide the procedures connected with all of the foregoing; to provide for the
18 dissolution and reactivation of districts under certain conditions; to provide for severability;
19 to provide for related matters; to provide for an effective date; to repeal conflicting laws; and
20 for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Short title.

24 This Act shall be referred to as the "City of Fayetteville Community Improvement Districts
25 Act."

H. B. 1215

26 **SECTION 2.**

27 Purpose.

28 The purpose of this Act shall be to provide for the creation of one or more community
 29 districts within the City of Fayetteville, and such districts shall be created for the provision
 30 of such of the following governmental services and facilities as may be provided for in the
 31 resolution activating each district created hereby, or any supplemental resolution amending
 32 same, provided that the resolution activating such district or any supplemental activating
 33 resolution may restrict the governmental services provided to any one or more district or any
 34 part thereof of the described governmental services; provided, further, that once said
 35 resolution shall authorize certain governmental services or part thereof, it shall not be
 36 withdrawn or further restricted except by election of the electorate or by a resolution of the
 37 administrative board members of the district and a resolution of the governing authority of
 38 the City of Fayetteville:

- 39 (1) Street and road construction and maintenance, including curbs, sidewalks, street
 40 lights, and devices to control the flow of traffic on streets and roads;
 41 (2) Parks and recreational areas and facilities;
 42 (3) Storm water and sewage collection and disposal systems;
 43 (4) Development, storage, treatment, purification, and distribution of water;
 44 (5) Public transportation;
 45 (6) Terminal and dock facilities and parking facilities; and
 46 (7) Such other services and facilities as may be provided for by general law.

47 **SECTION 3.**

48 Definitions.

49 As used herein, the term:

- 50 (1) "Agricultural" means the growing of crops for sale or raising of animals for sale or
 51 use, including the growing of field crops, fruit or nut trees, the raising of livestock or
 52 poultry, and the operation of dairies, horse-boarding facilities, and riding stables.
 53 (2) "Board" means the governing body created for the governance of each community
 54 improvement district herein authorized.
 55 (3) "Bonds" or "general obligation bonds" means any bonds of a district which are
 56 authorized to be issued under the Constitution and laws of Georgia, including refunding
 57 bonds but not including notes or other obligations of a district.
 58 (4) "Caucus of electors" means for each district the meeting of electors hereinafter
 59 provided for at which the elected board members of the district are elected.

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

97 approve with respect to the financing and operation of any project and as may be
98 authorized by any bond resolution, trust agreement, indenture of trust, or similar
99 instrument or agreement pursuant to the provisions of which the issuance of any bonds,
100 notes, or other obligations of the district may be authorized; and

101 (M) Any cost, obligation, or expense incurred for any of the foregoing purposes shall
102 be a part of the cost of the project and may be paid or reimbursed as such out of
103 proceeds of bonds, notes, or other obligations issued by the district.

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

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

120 (8) "Equitably apportioned among the properties subject to such taxes, fees, and
121 assessments according to the need for governmental services and facilities created by the
122 degree of density of development of each such property," with reference to taxes, fees,
123 and assessments levied by the board, means that the burden of the taxes, fees, and
124 assessments shall be apportioned among the properties subject thereto based upon the
125 values established in the most recent ad valorem tax reassessment of such properties
126 certified by the chairman of the Fayette County Board of Tax Assessors.

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

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

138 (11) "Hereby," "herein," "hereunder," and "herewith" mean under this Act.

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

146 (13) "Property owner" or "owner of real property" means any entity or person owning
 147 one or more noncontiguous parcels of real estate on the most recent ad valorem tax
 148 records of Fayette County within the district. Ownership as shown by the most recent ad
 149 valorem real property tax records of Fayette County shall be prima-facie proof of
 150 ownership. Multiple owners of one parcel shall constitute one property owner and shall
 151 designate in writing one of their number to represent the whole.

152 (14) "Property used nonresidentially" means property used for neighborhood shopping,
 153 planned shopping center, general commercial, tourist services, office or institutional,
 154 office services, light industry, heavy industry, central business district, or other
 155 commercial or business use which does not include residential.

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

160 **SECTION 4.**

161 **Creation.**

162 (a) Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is
 163 created one or more community improvement districts to be located in the City of
 164 Fayetteville, Georgia, wholly within the incorporated boundary thereof, each of which shall
 165 be activated upon compliance with the conditions set forth in this section. Each district shall
 166 be governed by a board constituted as provided in Section 5 of this Act. The conditions for
 167 such activation shall be:

- 168 (1) The adoption of a resolution consenting to the creation of each community
 169 improvement district by the governing authority of the City of Fayetteville; and
 170 (2) Written consent to the creation of the community improvement district by:
- 171 (A) A majority of the owners of real property within the district which will be subject
 172 to taxes, fees, and assessments levied by the board of the district; and
 173 (B) The owners of real property within the district which constitutes at least 75 percent
 174 by value of all real property within the district which will be subject to taxes, fees, and
 175 assessments levied by the board and for this purpose value shall be determined by the
 176 most recent approved county ad valorem tax digest.
- 177 (b) The written consents provided for in paragraph (2) of subsection (a) shall be submitted
 178 to the Fayette County Tax Commissioner who shall certify whether paragraph (2) of
 179 subsection (a) has been satisfied with respect to each such proposed district.
- 180 (c) No district or board created under this Act shall transact any business or exercise any
 181 powers under this Act until the foregoing conditions are met. A copy of such resolutions shall
 182 be filed with the Secretary of State, who shall maintain a record of all districts activated
 183 under this Act, and with the Department of Community Affairs.
- 184 (d) Notwithstanding any other provisions of this Act to the contrary:
- 185 (1)(A) Each community improvement district created under this Act shall have a
 186 limited term of existence of six years and shall automatically become inactive upon the
 187 expiration of such six-year term after the date of activation of such district.
- 188 (B) Additional six-year terms may be enacted by the adoption of resolutions of the
 189 majority of the electors and the majority of the equity electors present and voting at a
 190 meeting of electors and equity electors. A quorum shall consist of those electors and
 191 equity electors present. No proxy vote may be cast. Notice of said meeting shall be
 192 given to said electors and equity electors by publishing notice thereof in the legal organ
 193 of Fayette County at least once each week for four weeks prior to such meeting.
- 194 (C) There is no limit on the number of extension terms that may be enacted;
- 195 (2) The power of the board to levy taxes shall be limited to five mills;
- 196 (3) No contractual obligations may be entered into beyond the term of the district; and
 197 (4) No agreement of cooperation shall be legal or binding upon any of the parties thereto
 198 for a period longer than the then current term of the district.

199 SECTION 5.

200 Administration, appointment, and election of board members.

- 201 (a)(1) Each district created pursuant hereto shall be administered by a board composed
 202 of seven board members to be appointed and elected as hereinafter provided:

- 203 (A) One board member shall be appointed by the governing authority of the City of
204 Fayetteville;
- 205 (B) Three board members shall be elected by the vote of electors; and
- 206 (C) Three members shall be elected by the vote of equity electors.
- 207 (2) The members representing the electors and equity electors shall be elected to serve
208 in post positions 1 through 6, respectively.
- 209 (3) Each elected board member must receive a majority of the votes cast for the post for
210 which he or she is a candidate.
- 211 (4) Votes for posts 1, 2, and 3 shall be cast by electors.
- 212 (5) Votes for posts 4, 5, and 6 shall be cast by equity electors.
- 213 (6) Except as provided in paragraph (7) of this subsection, all terms of office shall be for
214 three years, except the appointed board member who serves at the pleasure of the
215 governing body of the City of Fayetteville.
- 216 (7) The initial term of office for the members representing posts 1 and 4 shall be two
217 years. The initial term of office for the members representing posts 2 and 5 shall be two
218 years and the initial term of office of the members representing posts 3 and 6 shall be
219 three years.
- 220 (b) The initial board members to be elected as provided above shall be elected in a caucus
221 of electors which shall be held within 60 days after the adoption of the resolutions and
222 obtaining the written consents herein provided at such time and place within the district as
223 the City of Fayetteville shall designate after notice thereof shall have been given to said
224 electors by publishing same in the legal organ of Fayette County as hereinafter provided.
225 Thereafter, there shall be conducted biennially, not later than 60 days following the last day
226 for filing ad valorem real property tax returns in Fayette County, a caucus of said electors at
227 such time and place within the district as the board shall designate in such notice for the
228 purpose of electing board members to those board member positions whose terms expire or
229 are vacant. If a vacancy occurs in an election position on the board, the board shall, within 60
230 days thereof, call a special election to fill the same to be held within 60 days of the call
231 unless such vacancy occurs within 180 days of the next regularly scheduled election, in
232 which case a special election may, but need not, be called. For any election held hereunder,
233 notice thereof shall be given to said electors by publishing notice thereof in the legal organ
234 of Fayette County at least once each week for four weeks prior to such election. A quorum
235 at such caucus shall consist of those electors present, and a majority of those present and
236 voting is necessary to elect board members. No proxy votes may be cast.
- 237 (c) Board members shall be subject to recall and the continued existence of the district or
238 the continued existence of any one or more or any part thereof of the powers authorized to
239 the district may be terminated as follows:

- 240 (1) By election, called by a resolution of the governing body of the City of Fayetteville;
- 241 (2) By election, called by a resolution of the administrative board of the district;
- 242 (3) By election, called by a petition of 20 percent of the electors or a petition by holders
- 243 of 20 percent of eligible votes represented by equity electors;
- 244 (4) Upon petition of either a majority of the electors within the district or a majority of
- 245 the equity electors within the district, provided that, if the petition is for recall of an
- 246 elected board member, the petition shall be from the category of voters who elected the
- 247 board member; or
- 248 (5) Upon the termination of an agreement of cooperation. Termination is in the event
- 249 such agreement of cooperation shall lapse (i.e., failure to reenact by the following
- 250 December 31 after an existing agreement of cooperation shall expire on its own terms)
- 251 or an affirmative resolution of rejection of an agreement or reenactment of an agreement
- 252 of cooperation by any one of the necessary parties so that no agreement of cooperation
- 253 is in force.
- 254 (d) Board members, including appointed board members, shall be electors within the district.
- 255 If a board member ceases to be an elector, such board member's position shall be declared
- 256 vacant as of the date of the event terminating such status.
- 257 (e) The board members shall receive no compensation for their services but shall be
- 258 reimbursed for actual expenses incurred in the performance of their duties. They shall elect
- 259 one of their members as chairman and another as vice-chairman and shall also elect a
- 260 secretary and a treasurer or a secretary-treasurer, either of whom may but need not be a
- 261 member of the board.
- 262 (f) The boundaries of a district shall only include land that is wholly within the incorporated
- 263 boundaries of the City of Fayetteville.
- 264 (g) Chapter 2 of Title 21 of the O.C.G.A., the Election Code of Georgia, shall not apply to
- 265 the election of district board members. Should a vacancy in office occur of a district board
- 266 member, and the regular caucus of electors be more than six months in the future, a special
- 267 election shall be called to fill such vacancy, unless filled by appointment as hereinabove
- 268 required. The district board may adopt such bylaws not inconsistent herewith to provide for
- 269 any matter concerning such elections.

270

SECTION 6.

271

Taxes, fees, and assessments.

- 272 (a) The board may levy taxes, fees, and assessments within the district only on real property
- 273 used nonresidentially, specifically excluding all property exempt from ad valorem taxation
- 274 under the Constitution or laws of the State of Georgia and all property used for residential,

275 agricultural, or forestry purposes and specifically excluding tangible personal property and
 276 intangible property. Any tax, fee, or assessment so levied shall not exceed five mills of the
 277 aggregate assessed value of all such real property. The taxes, fees, and assessments levied
 278 by the board shall be equitably apportioned among the properties subject to such taxes, fees,
 279 and assessments according to the need for governmental services and facilities created by the
 280 degree of density of development of each such property. The proceeds of taxes, fees, and
 281 assessments levied by the board shall be used only for the purpose of providing governmental
 282 services and facilities which are specially required by the degree of density of development
 283 within the district and not for the purpose of providing those governmental services and
 284 facilities provided to the county or municipality as a whole. Any tax, fee, or assessment so
 285 levied shall be collected by the City of Fayetteville in the same manner as taxes, fees, and
 286 assessments are levied by the City of Fayetteville. Delinquent taxes shall bear the same
 287 interest and penalties as the City of Fayetteville ad valorem taxes, and may be enforced and
 288 collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less
 289 a fee to cover the costs of collection of 1 percent thereof, but not more than \$25,000.00 in
 290 any one calendar year, shall be transmitted by the City of Fayetteville to the board and shall
 291 be expended by the board only for the purposes authorized hereby.

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

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

299 **SECTION 7.**

300 **Boundaries of the districts.**

301 (a) The boundaries of each district shall be as designated as such by the governing authority
 302 of the City of Fayetteville as set forth in the resolution required in Section 4 hereof, or as
 303 may thereafter be added as hereinafter provided.

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

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

- 309 (2) Written consent of owners of real property within the area sought to be annexed
 310 which constitutes at least 75 percent by value of the property which will be subject to
 311 taxes, fees, and assessments levied by the board and for this purpose value shall be
 312 determined by the most recent approved county ad valorem tax digest;
- 313 (3) The adoption of a resolution consenting to the annexation by the board of the district;
 314 and
- 315 (4) The adoption of a resolution consenting to the annexation by the governing authority
 316 of the City of Fayetteville.
- 317 (c) The boundaries of a district may also be increased after the initial creation of a district
 318 if:
- 319 (1) Written consent of the owners of any real property sought to be annexed and which
 320 will not be subject to taxes, fees, and assessments levied by the board of the district is
 321 first obtained;
- 322 (2) The board of the district adopts a resolution consenting to the annexation; and
- 323 (3) A resolution is adopted which grants consent to the annexation by the governing
 324 authority of the City of Fayetteville.
- 325 (d) Property which is not subject to taxes, fees, and assessments levied by the board of the
 326 district and which is adjacent to, contiguous to, or abutting property within the district may
 327 be annexed by:
- 328 (1) The adoption of a resolution approving the annexation by the board of the district;
 329 and
- 330 (2) The adoption of a resolution granting consent to the annexation by the governing
 331 authority of the City of Fayetteville.

332 SECTION 8.

333 Debt.

334 Each district may incur debt without regard to the requirements of Section V of Article IX
 335 of the Constitution of Georgia, or any other provision of law prohibiting or restricting the
 336 borrowing of money or the creation of debt by political subdivisions of the State of Georgia,
 337 which debt shall be backed by the full faith, credit, and taxing power of the district but shall
 338 not be an obligation of the State of Georgia, the City of Fayetteville, or any other unit of
 339 government of the State of Georgia other than the district. Provided, however, that such debt
 340 obligations cannot exceed the then current term and any extended terms already approved
 341 at the time such debt is incurred.

342

SECTION 9.

343

Cooperation with local governments.

344 The services and facilities provided pursuant hereto shall be provided for in a cooperation

345 agreement executed jointly by the board and the governing body of the City of Fayetteville.

346 The provisions of this section shall in no way limit the authority of the City of Fayetteville

347 to provide services or facilities within the district; and the City of Fayetteville shall retain full

348 and complete authority and control over any of its facilities located within its respective areas

349 of any district. Said control shall include but not be limited to the modification of, access to,

350 and degree and type of services provided through or by facilities of the municipality or

351 county. Nothing contained in this section shall be construed to limit or preempt the

352 application of any governmental laws, ordinances, resolutions, or regulations to the district

353 or the services or facilities provided therein.

354

SECTION 10.

355

Powers.

356 (a) Each district and its board created pursuant hereto shall have all of the powers necessary

357 or convenient to carry out and effectuate the purposes and provisions hereof, including,

358 without limiting the generality of the foregoing, the power:

359 (1) To bring and defend actions;

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

361 (3) To make and execute contracts, agreements, and other instruments necessary or

362 convenient to exercise the powers of the board or to further the public purposes for which

363 the district is created, including, but not limited to, contracts for construction of projects,

364 leases of projects, contracts for sale of projects, agreements for loans to finance projects,

365 and contracts with respect to the use of projects;

366 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and

367 personal property of every kind and character, or any interest therein, in furtherance of

368 the public purposes of the district;

369 (5) To finance, by loan, grant, lease, or otherwise, construct, erect, assemble, purchase,

370 acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve,

371 install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any

372 project from the proceeds of bonds, notes, or other obligations of the district or any other

373 funds of the district, or from any contributions or loans by persons, corporations,

374 partnerships, whether limited or general, or other entities, all of which the board is

375 authorized to receive, accept, and use;

- 376 (6) To borrow money to further or carry out its public purposes and to execute bonds,
377 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale
378 of its bonds, notes, or other obligations, loan agreements, security agreements,
379 assignments, and such other agreements or instruments as may be necessary or desirable,
380 in the judgment of the board, to evidence and to provide security for such borrowing;
- 381 (7) To issue bonds, notes, or other obligations of the district and use the proceeds thereof
382 for the purpose of paying all or any part of the cost of any project and otherwise to further
383 or carry out the public purposes of the district and to pay all costs of the board incidental
384 to, or necessary and appropriate to, furthering or carrying out such purposes; provided,
385 however, that such obligations cannot exceed the then current term and any extended
386 terms already approved at the time such obligation is incurred;
- 387 (8) To make application directly or indirectly to any federal, state, county, or municipal
388 government or agency or to any other source, whether public or private, for loans, grants,
389 guarantees, or other financial assistance in furtherance of the district's public purposes
390 and to accept and use the same upon such terms and conditions as are prescribed by such
391 federal, state, county, or municipal government or agency or other source;
- 392 (9) To enter into agreements with the federal government or any agency thereof to use
393 the facilities or services of the federal government or any agency thereof in order to
394 further or carry out the public purposes of the district;
- 395 (10) Subject to the limitations of this Act, to enter into intergovernmental agreements
396 with the State of Georgia, state institutions, or any municipal corporation, county, or
397 political subdivision of this state for the use by the district of any facilities or services of
398 the state or any such state institution, municipal corporation, county, or political
399 subdivision of this state, or for the use by any state institution or any municipal
400 corporation, county, or political subdivision of the state of any facilities or services of the
401 district, provided that such contracts shall deal with such activities and transactions as the
402 district and any such political subdivision with which the district contracts are authorized
403 by law to undertake;
- 404 (11) To receive and use the proceeds of any tax levied by any county or any municipal
405 corporation to pay the costs of any project or for any other purpose for which the board
406 may use its own funds pursuant hereto;
- 407 (12) To receive and administer gifts, grants, and devises of money and property of any
408 kind and to administer trusts;
- 409 (13) To use any real property, personal property, or fixtures or any interest therein or to
410 rent or lease such property to or from others or make contracts with respect to the use
411 thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or

- 412 grant options for any such property in any manner as it deems to be the best advantage
 413 of the district and the public purposes thereof;
- 414 (14) To appoint, select, and employ engineers, surveyors, architects, urban or city
 415 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their
 416 expenses;
- 417 (15) To encourage and promote the improvement and development of the district and to
 418 make, contract for, or otherwise cause to be made long-range plans or proposals for the
 419 district in cooperation with the City of Fayetteville and any municipal corporations in
 420 which the district is wholly or partially located;
- 421 (16) To adopt bylaws governing the conduct of business by the board, the election and
 422 duties of officers of the board, and other matters which the board determines to deal with
 423 in its bylaws;
- 424 (17) To exercise any power granted by the laws of this state to public or private
 425 corporations which is not in conflict with the public purposes of the district; and
- 426 (18) To do all things necessary or convenient to carry out the powers conferred hereby.
- 427 (b) The powers enumerated in each paragraph of this section are cumulative of and in
 428 addition to those powers enumerated herein and elsewhere in this Act; and no such power
 429 limits or restricts any other power of the board.

430 **SECTION 11.**

431 Bonds generally.

- 432 (a) Notes or other obligations issued by a district other than general obligation bonds shall
 433 be paid solely from the property pledged to pay such notes or other obligations. General
 434 obligation bonds issued by any district shall constitute a general obligation of the district to
 435 the repayment of which the full faith and credit and taxing power of the district shall be
 436 pledged.
- 437 (b) All bonds, notes, and other obligations of any district shall be authorized by resolution
 438 of its board, adopted by a majority vote of the board members at a regular or special meeting.
- 439 (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time
 440 or times, not more than 40 years from their respective dates, shall bear interest at such rate
 441 or rates, which may be fixed or may fluctuate or otherwise change from time to time, shall
 442 be subject to redemption on such terms, and shall contain such other terms, provisions,
 443 covenants, assignments, and conditions as the resolution authorizing the issuance of such
 444 bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants,
 445 assignments, and conditions contained in or provided or permitted by any resolution of the
 446 board authorizing the issuance of such bonds, notes, or other obligations shall bind the board

447 members of the district then in office and their successors. Provided, however, that such
448 obligations cannot exceed the then current term and any extended terms already approved
449 at the time such obligation is incurred.

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

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

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

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

468 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear, and the
469 principal amount and maturities of such said bonds, the notice to the district attorney or the
470 Attorney General, the notice to the public of the time, place, and date of the validation
471 hearing, and the petition and complaint for validation may state that the bonds when issued
472 will bear interest at a rate not exceeding a maximum per annum rate of interest, which may
473 be fixed or may fluctuate or otherwise change from time to time, and that the principal
474 amount will not exceed and the final maturity date will not be later than as specified in such
475 notices and petition and complaint or may state that, in the event the bonds are to bear
476 different rates of interest for different maturity dates, none of such rates will exceed the
477 maximum rate, which may be fixed or may fluctuate or otherwise change from time to time,
478 so specified; provided, however, that nothing in this section shall be construed as prohibiting
479 or restricting the right of a board to sell such bonds at a discount, even if in doing so the
480 effective interest cost resulting therefrom would exceed the maximum per annum interest rate
481 specified in such notices and in the petition and complaint.

482 (i) The terms "cost of the project" and "cost of any project" shall have the meaning
483 prescribed herein whenever those terms are referred to in bond resolutions of a board, in

484 bonds, notes, or other obligations of the district, or in notices or proceedings to validate such
 485 bonds, notes, or other obligations of a district.

486 **SECTION 12.**

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

489 (a) Subject to the limitations and procedures provided by this section and by the immediately
 490 preceding section, the agreements or instruments executed by a board may contain such
 491 provisions not inconsistent with law as shall be determined by such board.

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

496 (c) Issuance by a board of one or more series of bonds, notes, or other obligations for one
 497 or more purposes shall not preclude it from issuing other bonds, notes, or other obligations
 498 in connection with the same project or with any other projects; but the proceeding wherein
 499 any subsequent bonds, notes, or other obligations are issued shall recognize and protect any
 500 prior loan agreement, security agreement, or other agreement or instrument made for any
 501 prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such
 502 prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or
 503 other obligations on a parity with such prior issue.

504 (d) In the event that any district shall be terminated by either methods provided herein, the
 505 board shall serve until December 31 of the year in which terminations shall be approved for
 506 the purpose of concluding any ongoing matters and projects, but if such cannot be concluded
 507 by December 31, then the governing authority of the county shall assume the duties of the
 508 administrative board and shall be expressly authorized to exercise the authority of the
 509 administrative board. In the alternative, the governing authority of the county may, by
 510 resolution, assume all rights and obligations of the district, either bonds or otherwise, and the
 511 district shall cease to exist upon the adoption of such resolution.

512 **SECTION 13.**

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

515 This Act shall be liberally construed to effect the purposes hereof. The offer, sale, or issuance
 516 of bonds, notes, or other obligations by a district shall not be subject to regulation under

517 Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of 1973." No notice,
518 proceeding, or publication except those required hereby shall be necessary to the
519 performance of any act authorized hereby, nor shall any such act be subject to referendum.

520 **SECTION 14.**

521 Severability.

522 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
523 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
524 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
525 force and effect as if the section, subsection, sentence, clause, or phrase so declared or
526 adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly
527 declares that it would have passed the remaining parts of this Act if it had known that such
528 part or parts hereof would be declared or adjudged invalid or unconstitutional.

529 **SECTION 15.**

530 Effective date.

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

533 **SECTION 16.**

534 Repealer.

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