

House Bill 1374 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164<sup>th</sup> and Hitchens of the 161<sup>st</sup>

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 Bloomington; 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  
4 appointment or election of members of such boards; to provide for taxes, fees, and  
5 assessments; to provide for the boundaries of such districts; to provide procedures for  
6 determining the specifications for projects to be undertaken by the district and the manner  
7 of levying taxes, fees, and assessments with respect thereto; to provide for the debt of such  
8 districts; to provide for cooperation with local governments; to provide for powers of such  
9 boards; to provide for general obligation bonds, notes, and other obligations of such districts;  
10 to provide for the form of bonds, provisions for exchange and transfer, certificates of  
11 validation, and specification of interest rates; to provide for definition of the terms "cost of  
12 the project" and "cost of any project" as used in bond resolutions and elsewhere; to provide  
13 for authorized contents of agreements and instruments of the boards generally; to provide for  
14 use of proceeds of sale of bonds, notes, and other obligations; to provide for subsequent  
15 issues of bonds, notes, and other obligations; to provide for construction; to provide that no  
16 notice, proceeding, publication, or referendum shall be required; to provide the procedures  
17 connected with all of the foregoing; to provide for the dissolution and reactivation of districts

18 under certain conditions; to provide for related matters; to repeal conflicting laws; and for  
19 other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 Short title.

23 This Act shall be known and may be cited as the "City of Bloomingdale Community  
24 Improvement Districts Act."

25 **SECTION 2.**

26 Purpose.

27 The purpose of this Act shall be to provide for the creation of one or more community  
28 improvement districts within the City of Bloomingdale, and each such district shall be  
29 created for the provision of the following governmental services and facilities as may be  
30 provided for in the resolution activating such district created hereby. Such services and  
31 facilities shall be one or more of:

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

40 **SECTION 3.**41 **Definitions.**

42 As used in this Act, the term:

43 (1) "Agricultural" means the growing of crops for sale or raising of animals for sale or  
44 use, including the growing of field crops, fruit or nut trees, the raising of livestock or  
45 poultry, and the operation of dairies, horse boarding facilities, and riding stables.46 (2) "Board" means the governing body created for the governance of each community  
47 improvement district authorized by this Act.48 (3) "Bonds" or "general obligation bonds" means any bonds of a district which are  
49 authorized to be issued under the Constitution and laws of Georgia, including refunding  
50 bonds but not including notes or other obligations of a district.

51 (4) "Cost of the project" or "cost of any project" means and includes:

52 (A) All costs of acquisition by purchase or otherwise, construction, assembly,  
53 installation, modification, renovation, or rehabilitation incurred in connection with any  
54 project or any part of any project;55 (B) All costs of real property, fixtures, or personal property used in or in connection  
56 with or necessary for any project or for any facilities related thereto, including, but not  
57 limited to, the cost of all land, estates for years, easements, rights, improvements, water  
58 rights, connections for utility services, fees, franchises, permits, approvals, licenses, and  
59 certificates; the cost of securing any such franchises, permits, approvals, licenses, or  
60 certificates; and the cost of preparation of any application therefor and the cost of all  
61 fixtures; machinery; equipment, including all transportation equipment and rolling  
62 stock; furniture; and other property used in or in connection with or necessary for any  
63 project;64 (C) All interest and other financing charges and loan fees and all interest on bonds,  
65 notes, or other obligations of a district which accrue or are paid prior to and during the

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

93 (5) "District" means the geographical area designated as such by the resolution of the  
94 governing authority consenting to the creation of the community improvement district or  
95 as thereafter modified pursuant to subsection (b) of Section 7 of this Act.

96 (6) "Election" means the City of Bloomingdale general municipal election held every  
97 four years wherein the mayor and councilmembers are elected.

98 (7) "Electors" means those individuals living in the City of Bloomingdale, Georgia, who  
99 are registered voters and who are qualified to vote in the City of Bloomingdale general  
100 municipal election wherein the mayor and six councilmembers are elected.

101 (8) "Equitably apportioned among the properties subject to such taxes, fees, and  
102 assessments according to the need for governmental services and facilities created by the  
103 degree of density of development of each such property," with reference to taxes, fees,  
104 and assessments levied by the board, means that the burden of the taxes, fees, and  
105 assessments shall be apportioned among the properties subject thereto based upon the  
106 values established in the most recent ad valorem tax reassessment of such properties  
107 certified by the chairperson of the Chatham County Board of Tax Assessors or may be  
108 apportioned among the properties subject thereto in direct or approximate proportion to  
109 the receipt of services or benefits derived from the improvements or other activities for  
110 which the taxes, fees, or assessments are to be expended or may be apportioned in any  
111 other manner or combination of manners deemed equitable by the board, including, but  
112 not limited to, the recognition of differential benefits which may reasonably be expected  
113 to accrue to new land development in contrast to lands and improvements already in  
114 existence at the time of creation of the community improvement district.

115 (9) "Forestry" means the planting and growing of trees for sale in a program which  
116 includes reforestation of harvested trees, regular underbrush and undesirable growth  
117 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active  
118 tree-farming operation. Such term does not include the casual growing of trees on land

119 otherwise idle or held for investment, even though some harvesting of trees may occur  
120 thereon.

121 (10) "Project" means the acquisition, construction, installation, modification, renovation,  
122 rehabilitation, or operation of land; interests in land, buildings, structures, facilities, or  
123 other improvements located or to be located within or otherwise providing service to the  
124 district; and the acquisition, installation, modification, renovation, rehabilitation, or  
125 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature  
126 whatsoever used on, in, or in connection with any such land, interest in land, building,  
127 structure, facility, or other improvement, for all the essential public purposes set forth in  
128 Section 2 of this Act.

129 (11) "Property owner" or "owner of real property" means any entity or person shown as  
130 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax  
131 records of Chatham County within the district. Ownership as shown by the most recent  
132 ad valorem tax records of Chatham County shall serve as prima-facie proof of ownership.  
133 Multiple owners of one parcel shall constitute one property owner and shall designate in  
134 writing one of their number to represent the whole.

135 (12) "Property used nonresidentially" means property or any portion thereof used for  
136 neighborhood shopping, planned shopping center, general commercial, transient lodging  
137 facilities, tourist services, office or institutional, office services, light industry, heavy  
138 industry, central business district, parking, or other commercial or business use, as well  
139 as vacant land zoned or approved for any of the uses listed in this paragraph which does  
140 not include residential.

141 (13) "Residential" means a specific work or improvement undertaken primarily to  
142 provide single-family or multifamily dwelling accommodations for persons and families  
143 and such community facilities as may be incidental or appurtenant thereto.

144 (14) "Taxpayer" means any entity or person paying ad valorem taxes on real property,  
145 whether on one or more parcels of property within the district. Multiple owners of one

146 parcel shall constitute one taxpayer and shall designate in writing one of their number to  
147 represent the whole.

148 **SECTION 4.**

149 Creation.

150 (a) Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is  
151 created one or more community improvement districts to be located in the City of  
152 Bloomingdale, wholly within the incorporated area thereof, each of which shall be activated  
153 upon compliance with the conditions provided in this Act and which shall be governed by  
154 a board as constituted pursuant to this Act. The conditions for such activation shall be:

155 (1) The adoption of a resolution consenting to the creation of each community  
156 improvement district by the governing authority of the City of Bloomingdale; and

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

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

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

164 (b) The written consents provided for in paragraph (2) of subsection (a) of this section shall  
165 be submitted to the Chatham County tax commissioner, who shall certify whether  
166 paragraph (2) of subsection (a) of this section has been satisfied with respect to each such  
167 proposed district.

168 (c) No district or board created under this Act shall transact any business or exercise any  
169 powers under this Act until the foregoing conditions of this section are met. A copy of such  
170 resolutions shall be filed with the Secretary of State, who shall maintain a record of all

171 districts activated under this Act, and a second copy shall be filed with the Department of  
172 Community Affairs.

173 **SECTION 5.**

174 Administration, appointment, and election of board members.

175 (a) Pursuant to Article IX, Section VII, Paragraph III of the Constitution of the State of  
176 Georgia, each district created pursuant to this Act shall be administered by a board composed  
177 of the mayor and the six city councilmembers of the City of Bloomingdale, Georgia, serving  
178 in an ex officio capacity.

179 (b) The board members shall receive no compensation for their services but shall be  
180 reimbursed for actual expenses incurred in the performance of their duties. The mayor shall  
181 serve as the chairperson of the board. The board shall elect one of its members as vice  
182 chairperson and shall also elect a secretary and a treasurer or a secretary-treasurer, either of  
183 whom may, but need not, be a member of the board.

184 **SECTION 6.**

185 Taxes, fees, and assessments.

186 (a) The board may levy taxes, fees, and assessments within the district only on real property  
187 used nonresidentially, specifically excluding all property exempt from ad valorem taxation  
188 under the Constitution or laws of the State of Georgia and all property used for residential,  
189 agricultural, or forestry purposes and specifically excluding tangible personal property and  
190 intangible property. Any tax, fee, or assessment so levied shall not exceed 2 1/2 percent of  
191 the aggregate assessed value of all such real property; provided, however, that no tax, fee,  
192 or assessment so levied shall exceed any lesser limitation designated in the project  
193 specifications and that no tax, fee, or assessment shall be levied beyond any time limitation



194 designated as provided in the project specifications. The taxes, fees, and assessments levied  
195 by the board shall be equitably apportioned among the properties subject to such taxes, fees,  
196 and assessments according to the need for governmental services and facilities created by the  
197 degree of density of development of each such property. The proceeds of taxes, fees, and  
198 assessments levied by the board shall be used only for the purpose of providing governmental  
199 services and facilities which are specially required by the degree of density of development  
200 within the applicable district and not for the purpose of providing those governmental  
201 services and facilities to the county or municipality as a whole. Any tax, fee, or assessment  
202 so levied shall be collected by the City of Bloomington in the same manner as taxes, fees,  
203 and assessments are levied by the city. Delinquent taxes shall bear the same interest and  
204 penalties as city ad valorem taxes and may be enforced and collected in the same manner.  
205 The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of  
206 collection of 1 percent thereof, but not more than \$25,000.00 in any one calendar year, shall  
207 be transmitted by the City of Bloomington to the board and shall be expended by the board  
208 only for the purposes authorized by this Act.

209 (b) The board shall levy the taxes, fees, and assessments provided for in subsection (a) of  
210 this section subsequent to the report of the assessed taxable values for the current calendar  
211 year and shall notify in writing the collecting governing authority so it may include the levy  
212 on its regular ad valorem tax bills. The proceeds of taxes, fees, and assessments so levied,  
213 less the fee to cover the costs of collection as specified in subsection (a) of this section, shall  
214 be transmitted by the collecting governing authority to the board and shall be expended by  
215 the board only for the purposes authorized by this Act.

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

220

**SECTION 7.**

221

Boundaries of the districts.

222 (a) The boundaries of each district shall be designated as such by the governing authority  
223 of the City of Bloomingdale and shall lie wholly within the incorporated area of the City of  
224 Bloomingdale as set forth in the resolutions required in Section 4 of this Act, or as may  
225 thereafter be added as provided in this Act.

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

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

231 (2) Written consent of owners of real property within the area sought to be annexed into  
232 the district which constitutes at least 75 percent by value of all real property within the  
233 area sought to be annexed into the district which will be subject to taxes, fees, and  
234 assessments levied by the board, and for this purpose value shall be determined by the  
235 most recent approved county ad valorem tax digest;

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

238 (4) The adoption of a resolution consenting to the annexation by the governing authority  
239 of the City of Bloomingdale.

240

**SECTION 8.**

241

Debt.

242 Each district may incur debt without regard to the requirements of Article IX, Section V of  
243 the Constitution of Georgia, or any other provision of law prohibiting or restricting the

244 borrowing of money or the creation of debt by political subdivisions of the State of Georgia,  
245 and the debt shall be backed by the full faith, credit, and taxing power of the district, but shall  
246 not be an obligation of the State of Georgia, the City of Bloomingdale, or any other unit of  
247 government of the State of Georgia other than the district.

248 **SECTION 9.**

249 Cooperation with local governments.

250 The services and facilities provided pursuant to this Act shall be provided for in a  
251 cooperation agreement executed jointly by the board and the governing body of the City of  
252 Bloomingdale. If the parties to the cooperation agreement so agree, the cooperation  
253 agreement may provide that such private persons as are designated by the district perform  
254 the actual construction or improvement of the services and facilities provided by the district.  
255 The provisions of this section shall in no way limit the authority of the City of Bloomingdale  
256 to provide services or facilities within the district, and the City of Bloomingdale shall retain  
257 full and complete authority and control over any of its facilities located within its respective  
258 areas of any district. Such control shall include, but not be limited to, the modification of,  
259 access to, and degree and type of services provided through or by facilities of the  
260 municipality. Nothing contained in this section shall be construed to limit or preempt the  
261 application of any governmental laws, ordinances, resolutions, or regulations to the district  
262 or the services or facilities provided within the district.

263

**SECTION 10.**

264

**Powers.**

265 (a) Each district and its board created pursuant to this Act shall have all of the powers  
266 necessary or convenient to carry out and effectuate the purposes and provisions of this Act,  
267 including, without limiting the generality of the foregoing, the power:

268 (1) To bring and defend actions;

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

270 (3) To make and execute contracts, agreements, and other instruments necessary or  
271 convenient to exercise the powers of the board or to further the public purposes for which  
272 the district is created, including, but not limited to, contracts for construction of projects,  
273 leases of projects, contracts for sale of projects, agreements for loans to finance projects,  
274 contracts with respect to the use of projects, and agreements with other jurisdictions or  
275 community improvement districts regarding multijurisdictional projects or services or for  
276 other cooperative endeavors to further the public purposes of the district;

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

280 (5) To finance by loan, grant, lease, or otherwise, and to construct, erect, assemble,  
281 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,  
282 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost  
283 of any project from the proceeds of bonds, notes, or other obligations of the district or any  
284 other funds of the district, or from any contributions or loans by persons, corporations,  
285 partnerships, whether limited or general, or other entities, all of which the board is  
286 authorized to receive, accept, and use;

287 (6) To borrow money to further or carry out its public purposes and to execute bonds,  
288 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale

289 of its bonds, notes, or other obligations, loan agreements, security agreements, assignments,  
290 and such other agreements or instruments as may be necessary or desirable, in the judgment  
291 of the board, to evidence and to provide security for such borrowing;

292 (7) To issue bonds, notes, or other obligations of the district and use the proceeds thereof  
293 for the purpose of paying or reimbursing all or any part of the cost of any project and  
294 otherwise to further or carry out the public purposes of the district and to pay all costs of  
295 the board incidental to, or necessary and appropriate to, furthering or carrying out such  
296 purposes;

297 (8) To make application directly or indirectly to any federal, state, county, or municipal  
298 government or agency or to any other source, whether public or private, for loans, grants,  
299 guarantees, or other financial assistance in furtherance of the district's public purposes and  
300 to accept and use the same upon such terms and conditions as are prescribed by such  
301 federal, state, county, or municipal government or agency or other source;

302 (9) To enter into agreements with the federal government or any agency thereof to use the  
303 facilities or services of the federal government or any agency thereof in order to further or  
304 carry out the public purposes of the district;

305 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, state  
306 institutions, or any municipal corporation, county, or political subdivision of this state for  
307 the use by the district of any facilities or services of the state or any such state institution,  
308 municipal corporation, county, or political subdivision of this state, or for the use by any  
309 state institution or any municipal corporation, county, or political subdivision of the state  
310 of any facilities or services of the district, provided that such contracts shall deal with such  
311 activities and transactions as the district and any such political subdivision with which the  
312 district contracts are authorized by law to undertake;

313 (11) To receive and use the proceeds of any tax levied by any county or any municipal  
314 corporation to pay the costs of any project or for any other purpose for which the board  
315 may use its own funds pursuant to this Act;

- 316 (12) To receive and administer gifts, grants, and devises of money and property of any  
317 kind and to administer trusts;
- 318 (13) To use any real property, personal property, or fixtures, or any interest therein, or to  
319 rent or lease such property to or from others or make contracts with respect to the use  
320 thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant  
321 options for any such property in any manner for the advantage of the district and the public  
322 purposes thereof;
- 323 (14) To appoint, select, and employ engineers, surveyors, architects, urban or city  
324 planners, fiscal agents, attorneys, administrators, administrative staff, and others, and to fix  
325 their compensation and pay their expenses and benefits;
- 326 (15) To encourage and promote the improvement and development of the district and to  
327 make, contract for, or otherwise cause to be made long-range plans or proposals for the  
328 district in cooperation with the City of Bloomingtondale;
- 329 (16) To adopt bylaws governing the conduct of business by the board, the election and  
330 duties of officers of the board, and other matters as the board considers appropriate for the  
331 bylaws;
- 332 (17) To invest its funds, whether derived from the issuance of bonds or otherwise, in such  
333 manner as it may deem prudent and appropriate;
- 334 (18) To exercise any power granted by the laws of this state to public or private  
335 corporations which is not in conflict with the public purposes of the district; and
- 336 (19) To do all things necessary or convenient to carry out the powers conferred by this  
337 Act.
- 338 (b) The powers enumerated in this section are cumulative of and in addition to those powers  
339 enumerated elsewhere in this Act and no such power shall limit or restrict any other power  
340 of the board.

341 (c) The powers enumerated in this section are conferred for an essential governmental  
342 function for a public purpose, and to the maximum extent provided by general law, the  
343 revenues and debt of any district are not subject to taxation.

344 **SECTION 11.**

345 Bonds - generally.

346 (a) Notes or other obligations issued by a district, other than general obligation bonds, shall  
347 be paid solely from the property pledged to pay such notes or other obligations. General  
348 obligation bonds issued by any district shall constitute a general obligation of the district to  
349 the repayment of which the full faith, credit, and taxing power of the district shall be pledged.

350 (b) All bonds, notes, and other obligations of any district shall be authorized by resolution  
351 of its board, adopted by a majority vote of the board members at a regular or special meeting.

352 (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time  
353 or times but not more than 30 years from their respective dates, shall bear interest at such rate  
354 or rates which may be fixed or may fluctuate or otherwise change from time to time, shall  
355 be subject to redemption on such terms, and shall contain such other terms, provisions,  
356 covenants, assignments, and conditions as the resolution authorizing the issuance of such  
357 bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants,  
358 assignments, and conditions contained in or provided or permitted by any resolution of the  
359 board authorizing the issuance of such bonds, notes, or other obligations shall bind the board  
360 members of the district then in office and their successors.

361 (d) The board shall have power from time to time, and whenever it deems it expedient, to  
362 refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded  
363 have matured, and may issue bonds partly to refund bonds then outstanding and partly for  
364 any other purpose permitted by this Act. The refunding bonds may be exchanged for the

365 bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and  
366 the proceeds applied to the purchase or redemption of the bonds to be refunded.

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

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

374 (g) Bonds issued by a district shall be validated under and in accordance with Article 3 of  
375 Chapter 82 of Title 36 of the O.C.G.A., known as the "Revenue Bond Law," or in accordance  
376 with such other successor provision governing bond validation generally as may be provided  
377 by law. The signature of the clerk of the Superior Court of Chatham County shall be made  
378 on the certificate of validation of such bonds by facsimile or by manual execution, stating the  
379 date on which such bonds were validated, and such entry shall be original evidence of the  
380 fact of judgment and shall be received as original evidence in any court in this state.

381 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear, and the  
382 principal amount and maturities of such bonds, the notice to the district attorney or the  
383 Attorney General, and the notice to the public of the time, place, and date of the validation  
384 hearing, and the petition and complaint for validation may state that the bonds when issued  
385 will bear interest at a rate not exceeding a maximum per annum rate of interest, which may  
386 be fixed or may fluctuate or otherwise change from time to time, and that the principal  
387 amount will not exceed and the final maturity date will not be later than as specified in such  
388 notices and petition and complaint; or the notice or notices may state that, in the event the  
389 bonds are to bear different rates of interest for different maturity dates, none of such rates  
390 will exceed the maximum rate, which may be fixed or may fluctuate or otherwise change  
391 from time to time, as so specified; provided, however, that nothing in this section shall be



392 construed as prohibiting or restricting the right of a board to sell such bonds at a discount,  
393 even if in doing so, the effective interest cost resulting therefrom would exceed the maximum  
394 per annum interest rate specified in such notices and in the petition and complaint.

395 (i) The terms "cost of the project" and "cost of any project" shall have the meaning  
396 prescribed by this Act whenever those terms are referred to in bond resolutions of a board;  
397 in bonds, notes, or other obligations of the districts; or in notices of proceedings to validate  
398 such bonds of a district.

## 399 **SECTION 12.**

400 Authorized contents of agreements and instruments of the board generally;  
401 use of proceeds of sale of bonds, notes, and other obligations;  
402 subsequent issues of bonds, notes, and other obligations.

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

406 (b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by  
407 a district shall be held and used for the ultimate purpose of paying, directly or indirectly as  
408 permitted by this Act, all or part of the cost of any project, or for the purpose of refunding  
409 any bonds, notes, or other obligations issued in accordance with this Act.

410 (c) Issuance by a board of one or more series of bonds, notes, or other obligations for one  
411 or more purposes shall not preclude it from issuing other bonds, notes, or obligations in  
412 connection with the same project or with any other project; but the proceeding wherein any  
413 subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior  
414 loan agreement, security agreement, or other agreement or instrument made for any prior  
415 issue of bonds, notes, or other obligations, unless, in the resolution authorizing such prior

416 issue, the right is expressly reserved to the board to issue subsequent bonds, notes, or other  
417 obligations on a parity with such prior issue.

418 **SECTION 13.**

419 Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A.,  
420 the "Georgia Uniform Securities Act of 2008";  
421 notice, proceeding, publication, referendum.

422 This Act shall be liberally construed to effect the purposes hereof. No notice, proceeding,  
423 or publication, except those required by this Act, shall be necessary to the performance of  
424 any act authorized by this Act, nor shall any such act be subject to referendum.

425 **SECTION 14.**

426 Dissolution.

427 (a) Any district activated under the provisions of this Act may be dissolved, provided that  
428 the following conditions are met:

429 (1) The adoption of a resolution approving of the dissolution of such community  
430 improvement district by the governing authority of the City of Bloomingdale; and

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

432 (A) Two-thirds of the owners of real property within the district which is subject to  
433 taxes, fees, and assessments levied by the board of the district; and

434 (B) The owners of real property constituting at least 75 percent by value of all real  
435 property within the district which is subject to taxes, fees, and assessments levied by  
436 the board. For this purpose, value shall be determined by the most recent approved  
437 county ad valorem tax digest.

438 (b) The written consent provided for in paragraph (2) of subsection (a) of this section shall  
439 be submitted to the Chatham County tax commissioner, who shall certify whether  
440 paragraph (2) of subsection (a) of this section has been satisfied with respect to each  
441 proposed district dissolution.

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

447 (d) Upon a successful dissolution action, all noncash assets of the district other than public  
448 facilities or land or easements to be used for such public facilities, as described in Section 2  
449 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be applied  
450 to the repayment of any debt obligation of the district. Any cash remaining after all  
451 outstanding obligations are satisfied shall be remitted to the City of Bloomingdale.

452 (e) When a dissolution becomes effective, the City of Bloomingdale shall take title to all  
453 property previously in the ownership of the district, and all taxes, fees, and assessments of  
454 the district shall cease to be levied and collected.

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

456 (g) In the event that any district shall be dissolved in accordance with this section, the board  
457 shall serve until December 31 of the year in which dissolution was approved for the purpose  
458 of concluding any ongoing matters and projects. However, if such ongoing matters and  
459 projects cannot be concluded by December 31 of such year, then the governing authority of  
460 the City of Bloomingdale shall assume the duties of the administrative board and shall be  
461 expressly authorized to exercise the authority of the administrative board. In the alternative,  
462 the governing authority of the City of Bloomingdale may, by resolution, assume all rights  
463 and obligations of the district, either bonds or otherwise, and the district shall cease to exist  
464 upon the adoption of such resolution.

465

**SECTION 15.**

466

Repealer.

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