

House Bill 785 (AS PASSED HOUSE AND SENATE)

By: Representative Rhodes of the 124th

A BILL TO BE ENTITLED

AN ACT

1 To provide for the creation of one or more community improvement districts in Greene
2 County; to provide for a short title; to provide for the purpose of such districts; to provide for
3 definitions; to provide for boards to administer such districts; to provide for conditions and
4 written consents; to provide for appointment and 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 thereof; to provide for construction; to provide that no notice,
16 proceeding, publication, or referendum shall be required; to provide for procedures
17 connected with all of the foregoing; to provide for the dissolution and reactivation of districts

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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 "Greene County Community Improvement
24 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 Greene County, and each such district shall be created for the
29 provision of the following governmental services and facilities as may be provided for in the
30 resolution activating such district created hereby. Such services and facilities shall be one
31 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.

SECTION 3.

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 and 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 authority created for the governance of each
47 community 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) "Caucus of electors" means, for a district, the meeting of electors provided for in this
52 Act at which board members of the district are elected.

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

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

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

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

92 instrument or agreement pursuant to the provisions of which the issuance of any bonds,
93 notes, or other obligations of the district may be authorized; and

94 (M) Any cost, obligation, or expense incurred for any of the foregoing purposes.

95 (6) "District" means the geographical area designated as such by the resolution of the
96 governing authority of Greene County consenting to the creation of the community
97 improvement district or as thereafter modified pursuant to subsection (b) of Section 7 of
98 this Act.

99 (7) "Electors" means the owners of real property used nonresidentially within the district
100 which is then subject to taxes, fees, and assessments levied by the board, as they appear
101 on the most recent ad valorem real property tax return records of Greene County, or one
102 officer or director of a corporate elector, one trustee of a trust which is an elector, one
103 partner of a partnership elector, or one designated representative of an elector whose
104 designation is made in writing. An owner of property subject to taxes, fees, or
105 assessments levied by the board shall have one vote for an election based on numerical
106 majority. An owner of multiple parcels has one vote, not one vote per parcel, for an
107 election based on numerical majority. Multiple owners of one parcel have one vote for
108 an election based on numerical majority.

109 (8) "Equitably apportioned among the properties subject to such taxes, fees, and
110 assessments according to the need for governmental services and facilities created by the
111 degree of density of development of each such property," with reference to taxes, fees,
112 and assessments levied by the board, means that the burden of the taxes, fees, and
113 assessments shall be apportioned among the properties subject thereto based upon the
114 values established in the most recent ad valorem tax reassessment of such properties
115 certified by the chairperson of the Greene County Board of Tax Assessors or may be
116 apportioned among the properties subject thereto in direct or approximate proportion to
117 the receipt of services or benefits derived from the improvements or other activities for
118 which the taxes, fees, or assessments are to be expended or may be apportioned in any

119 other manner or combination of manners deemed equitable by the board, including, but
120 not limited to, the recognition of differential benefits which may reasonably be expected
121 to accrue to new land development in contrast to lands and improvements already in
122 existence at the time of creation of the community improvement district.

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

128 (10) "Majority" means 50 percent or more of the total number of individuals composing
129 the group or classification at issue.

130 (11) "Project" means the acquisition, construction, installation, modification, renovation,
131 rehabilitation, or operation of land; interests in land, buildings, structures, facilities, or
132 other improvements located or to be located within or otherwise providing service to the
133 district; and the acquisition, installation, modification, renovation, rehabilitation, or
134 furnishing of fixtures, machinery, equipment, furniture, or other property of any nature
135 whatsoever used on, in, or in connection with any such land, interest in land, building,
136 structure, facility, or other improvement, for all essential public purposes set forth in
137 Section 2 of this Act.

138 (12) "Property owner" or "owner of real property" means any entity or person shown as
139 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
140 records of Greene County within the district. Ownership as shown by the most recent ad
141 valorem tax records of Greene County shall serve as prima-facie proof of ownership.
142 Multiple owners of one parcel shall constitute one property owner and shall designate in
143 writing one of their number to represent the whole.

144 (13) "Property used nonresidentially" means property or any portion thereof used for
145 neighborhood shopping, planned shopping centers, general commercial, transient lodging

146 facilities, tourist services, office or institutional, office services, light industry, heavy
147 industry, central business district, parking, or other commercial or business use, as well
148 as vacant land zoned or approved for any of the uses listed in this paragraph which does
149 not include residential.

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

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

157 **SECTION 4.**

158 **Creation.**

159 (a) Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there are
160 created one or more community improvement districts to be located in Greene County in the
161 unincorporated area thereof, each of which shall be activated upon compliance with the
162 conditions provided in this Act and which shall be governed by a board as constituted
163 pursuant to this Act. The conditions for such activation shall be:

164 (1) The adoption of a resolution consenting to the creation of each community
165 improvement district by the governing authority of Greene County; and

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

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

169 (B) The owners of real property within the district which constitutes at least 75 percent
170 by value of all real property within the district which will be subject to taxes, fees, and

171 assessments levied by the board. For this purpose, value shall be determined by the
172 most recent approved county ad valorem tax digest.

173 (b) The written consents provided for in paragraph (2) of subsection (a) of this section shall
174 be submitted to the Greene County tax commissioner, who shall certify whether
175 paragraph (2) of subsection (a) of this section has been satisfied with respect to each such
176 proposed district.

177 (c) No district or board created under this Act shall transact any business or exercise any
178 powers under this Act until the foregoing conditions of this section are met. A copy of such
179 resolutions shall be filed with the Secretary of State, who shall maintain a record of all
180 districts activated under this Act, and a second copy shall be filed with the Department of
181 Community Affairs.

182 **SECTION 5.**

183 Administration, appointment, and election of board members.

184 (a)(1) Each district created pursuant to this Act shall be administered by a board
185 composed of five members as follows:

186 (A) A person appointed by the chairperson of the governing authority of Greene
187 County, who shall serve on Post 1;

188 (B) A person appointed by a majority vote of the Greene County legislative delegation
189 to the General Assembly, which legislative delegation shall be composed of all
190 Representatives and Senators in the Georgia General Assembly whose districts are
191 located wholly or partially in Greene County, who shall serve on Post 2; and

192 (C) Three electors elected by a majority vote of the electors who shall serve on Posts 3,
193 4, and 5. The initial term of office for the member serving on Post 3 shall be one year,
194 and the initial terms of office of the members serving on Posts 4 and 5 shall be two

195 years. Thereafter, the terms of the members serving on Posts 3, 4, and 5 shall be two
196 years.

197 (2) Members appointed by elected officials to Posts 1 or 2 shall serve at the pleasure of
198 the chairperson and the members of the governing authority concurrent with their terms,
199 respectively. Should such a member cease to be an elector, such member's position on
200 the board shall immediately become vacant and be filled for the remainder of the
201 respective term as provided for the initial appointment in this subsection.

202 (b) The initial board members to be elected by the electors as provided in subsection (a) of
203 this section shall be elected in a caucus of electors, which shall be held within 90 days after
204 the adoption of the resolutions and obtaining of the written consents provided for in this Act
205 at such time and place within the district as the governing authority of Greene County shall
206 designate after notice thereof shall have been given to said electors by publishing notice in
207 the legal organ of Greene County at least once each week for four weeks prior to such
208 meeting. A quorum at such caucus shall consist of those electors present, and a majority of
209 those present and voting is necessary to elect board members. No proxy votes may be cast.
210 The chairperson of the governing authority of Greene County or such chairperson's designee
211 shall convene the initial caucus of electors. Thereafter, there shall be conducted annually,
212 not later than 60 days following the last day for filing ad valorem real property tax returns
213 in Greene County, a caucus of such electors, as appropriate, at such time and place within
214 the district as the board shall designate in such notice for the purpose of electing board
215 members to Posts 3, 4, and 5, for those positions which have terms expiring or are vacant,
216 as appropriate. If a vacancy occurs in an elected position on the board, the board shall,
217 within 60 days thereafter, call a special election to fill the same to be held within 60 days of
218 the call unless such vacancy occurs within 180 days of the next regularly scheduled election,
219 in which case a special election may, but need not, be called.

220 (c) The elected board members shall be subject to recall by the electors as any other elected
221 public official.

222 (d) Board members shall receive no compensation for their services but shall be reimbursed
223 for actual expenses incurred in the performance of their duties. They shall elect one of their
224 number as chairperson and another as vice chairperson and shall also elect a secretary and
225 a treasurer or a secretary-treasurer, either of whom may, but need not, be a member of the
226 board.

227 (e) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to
228 the election of district board members. Any district board may adopt such bylaws not
229 inconsistent herewith to provide for any matter concerning such elections.

230 **SECTION 6.**

231 Taxes, fees, and assessments.

232 (a) The board may levy taxes, fees, and assessments within the district only on real property
233 used nonresidentially, specifically excluding all property exempt from ad valorem taxation
234 under the Constitution or laws of the State of Georgia; all property used for residential,
235 agricultural, or forestry purposes; and all tangible personal property and intangible property.
236 Any tax, fee, or assessment so levied shall not exceed five mills on the aggregate assessed
237 value of all such real property. The taxes, fees, and assessments levied by the board shall be
238 equitably apportioned among the properties subject to such taxes, fees, and assessments
239 according to the need for governmental services and facilities created by the degree of
240 density of development of each such property. The proceeds of taxes, fees, and assessments
241 levied by the board shall be used only for the purpose of providing governmental services
242 and facilities which are specially required by the degree of density of development within the
243 applicable district and not for the purpose of providing those governmental services and
244 facilities provided to the county as a whole. Any tax, fee, or assessment so levied shall be
245 collected by Greene County in the same manner as taxes, fees, and assessments are levied
246 by the county. Delinquent taxes shall bear the same interest and penalties as Greene County

247 ad valorem taxes and may be enforced and collected in the same manner. The proceeds of
248 taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent
249 thereof, but not more than \$25,000.00 in any one calendar year, shall be transmitted by
250 Greene County to the board and shall be expended by the board only for the purposes
251 authorized by this Act.

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

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

263 (d) Each property owner paying taxes, fees, or assessments levied by the board for any
264 public facility as set forth in Section 2 of this Act may receive a credit equal to the present
265 value of all such taxes, fees, and assessments toward any impact fee as may be levied by
266 Greene County against such property for system improvements which are in the same
267 category as said public facility in accordance with Chapter 71 of Title 36 of the O.C.G.A.,
268 the "Georgia Development Impact Fee Act." Application for such development impact fee
269 credit may be granted by legislative action of the governing authority of Greene County in
270 its discretion.

271

SECTION 7.

272

Boundaries of the districts.

273 (a) The boundaries of each district shall be designated by the governing authority of Greene
274 County and shall lie wholly within the incorporated area of Greene County as set forth in the
275 resolutions required by Section 4 of this Act, or as may thereafter be added as provided in
276 this Act.

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

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

282 (2) Written consent of the owners of real property within the area sought to be annexed
283 into the district which constitutes at least 75 percent by value of all real property within
284 the area sought to be annexed into the district which will be subject to taxes, fees, and
285 assessments levied by the board. For this purpose, value shall be determined by the most
286 recent approved county ad valorem tax digest;

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

289 (4) The adoption of a resolution consenting to the annexation by the governing authority
290 of Greene County.

291

SECTION 8.

292

Debt.

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

295 borrowing of money or the creation of debt by political subdivisions of the State of Georgia,
296 and the debt shall be backed by the full faith, credit, and taxing power of the district but shall
297 not be an obligation of the State of Georgia, Greene County, or any other unit of government
298 of the State of Georgia other than the district.

299 **SECTION 9.**

300 Cooperation with local governments.

301 The services and facilities provided pursuant to this Act shall be provided for in a
302 cooperation agreement executed jointly by the board and the governing authority of Greene
303 County. The provisions of this section shall in no way limit the authority of Greene County
304 to provide services or facilities within the district; and Greene County shall retain full and
305 complete authority and control over any of its facilities located within its respective areas of
306 any district. Such control shall include, but not be limited to, the modification of, access to,
307 and degree and type of services provided through or by facilities of the county. Nothing
308 contained in this section shall be construed to limit or preempt the application of any
309 governmental laws, ordinances, resolutions, or regulations to the district or the services or
310 facilities provided within the district.

311 **SECTION 10.**

312 Powers.

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

- 316 (1) To bring and defend actions;
317 (2) To adopt and amend a corporate seal;

318 (3) To make and execute contracts, agreements, and other instruments necessary or
319 convenient to exercise the powers of the board or to further the public purposes for which
320 the district is created, including, but not limited to, contracts for construction of projects,
321 leases of projects, contracts for sale of projects, agreements for loans to finance projects,
322 contracts with respect to the use of projects, and agreements with other jurisdictions or
323 community improvement districts regarding multijurisdictional projects or services or for
324 other cooperative endeavors to further the public purposes of the district;

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

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

335 (6) To borrow money to further or carry out its public purposes and to execute bonds,
336 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale
337 of its bonds, notes, or other obligations, loan agreements, security agreements,
338 assignments, and such other agreements or instruments as may be necessary or desirable,
339 in the judgment of the board, to evidence and to provide security for such borrowing;

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

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

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

353 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, state
354 institutions, or any municipal corporation, county, or political subdivision of this state for
355 the use by the district of any facilities or services of the state or any such state institution,
356 municipal corporation, county, or political subdivision of this state, or for the use by any
357 state institution, municipal corporation, county, or political subdivision of the state of any
358 facilities or services of the district, provided that such contracts shall deal with such
359 activities and transactions as the district and any such political subdivision with which
360 the district contracts are authorized by law to undertake;

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

364 (12) To receive and administer gifts, grants, and devises of money and property of any
365 kind and to administer trusts;

366 (13) To use any real property, personal property, or fixtures, or any interest therein, or
367 to rent or lease such property to or from others or make contracts with respect to the use
368 thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or
369 grant options for any such property in any manner for the advantage of the district and
370 the public purposes thereof;

371 (14) To appoint, select, and employ engineers, surveyors, architects, urban or city
372 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their
373 expenses;

374 (15) To encourage and promote the improvement and development of the district and to
375 make, contract for, or otherwise cause to be made long-range plans or proposals for the
376 district in cooperation with Greene County;

377 (16) To adopt bylaws governing the conduct of business by the board, the election and
378 duties of officers of the board, and other matters as the board considers appropriate for
379 the bylaws;

380 (17) To invest its funds, whether derived from the issuance of bonds or otherwise, in
381 such manner as it may deem prudent and appropriate;

382 (18) To exercise any power granted by the laws of this state to public or private
383 corporations which is not in conflict with the public purposes of the district; and

384 (19) To do all things necessary or convenient to carry out the powers conferred by this
385 Act.

386 (b) The powers enumerated in this section are cumulative of and in addition to those powers
387 enumerated elsewhere in this Act; and no such power shall limit or restrict any other power
388 of the board.

389 (c) The powers enumerated in this section are conferred for an essential governmental
390 function for a public purpose, and the revenues and debt of any district are not subject to
391 taxation.

392 **SECTION 11.**

393 **Bonds generally.**

394 (a) Notes or other obligations issued by a district, other than general obligation bonds, shall
395 be paid solely from the property pledged to pay such notes or other obligations. General

396 obligation bonds issued by any district shall constitute a general obligation of the district to
397 the repayment of which the full faith, credit, and taxing power of the district shall be pledged.

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

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

410 (d) The board shall have power from time to time, and whenever it deems it expedient, to
411 refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded
412 have matured, and may issue bonds partly to refund bonds then outstanding and partly for
413 any other purpose permitted by this Act. The refunding bonds may be exchanged for the
414 bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and
415 the proceeds applied to the purchase or redemption of the bonds to be refunded.

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

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

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

430 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear and the
431 principal amount and maturities of such bonds, the notice to the district attorney or the
432 Attorney General, the notice to the public of the time, place, and date of the validation
433 hearing, and the petition and complaint for validation may state that the bonds when issued
434 will bear interest at a rate not exceeding a maximum per annum rate of interest, which may
435 be fixed or may fluctuate or otherwise change from time to time, and that the principal
436 amount will not exceed and the final maturity date will not be later than as specified in such
437 notices and petition and complaint; or the notice or notices may state that, in the event the
438 bonds are to bear different rates of interest for different maturity dates, none of such rates
439 will exceed the maximum rate, which may be fixed or may fluctuate or otherwise change
440 from time to time, as so specified; provided, however, that nothing in this section shall be
441 construed as prohibiting or restricting the right of a board to sell such bonds at a discount,
442 even if in doing so, the effective interest cost resulting therefrom would exceed the maximum
443 per annum interest rate specified in such notices and in the petition and complaint.

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

448

SECTION 12.

449

Authorized contents of agreements and instruments of the board generally;

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use of proceeds of sale of bonds, notes, and other obligations;

451

subsequent issues thereof.

452

(a) Subject to the limitations and procedures provided by this section and Section 11 of this

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Act, the agreements or instruments executed by a board may contain such provisions not

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inconsistent with law as shall be determined by such board.

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(b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by

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a district shall be held and used for the ultimate purpose of paying, directly or indirectly as

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permitted by this Act, all or part of the cost of any project, or for the purpose of refunding

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any bonds, notes, or other obligations issued in accordance with this Act.

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(c) Issuance by a board of one or more series of bonds, notes, or other obligations for one

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or more purposes shall not preclude it from issuing other bonds, notes, or obligations in

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connection with the same project or with any other project; but the proceeding wherein any

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subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior

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loan agreement, security agreement, or other agreement or instrument made for any prior

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issue of bonds, notes, or other obligations, unless, in the resolution authorizing such prior

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issue, the right is expressly reserved to the board to issue subsequent bonds, notes, or other

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obligations on a parity with such prior issue.

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SECTION 13.

468

Construction; notice, proceeding, publication, referendum.

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This Act shall be liberally construed to effect the purposes hereof. No notice, proceeding,

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or publication, except those required by this Act, shall be necessary to the performance of

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any act authorized by this Act, nor shall any such act be subject to referendum.

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SECTION 14.

473

Dissolution.

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(a)(1) Any district activated under the provisions of this Act may be dissolved.

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(2) The conditions for such dissolution shall be:

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(A) The adoption of a resolution approving of the dissolution of such community improvement district by the governing authority of Greene County; and

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

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

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

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(3) The written consent provided for in subparagraph (B) of paragraph (2) of this subsection shall be submitted to the Greene County tax commissioner, who shall certify whether subparagraph (B) of paragraph (2) of this subsection has been satisfied with respect to each proposed district dissolution.

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

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(c) Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, as described in Section 2 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be applied

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496

497 to the repayment of any debt obligation of the district. Any cash remaining after all
498 outstanding obligations are satisfied shall be remitted to Greene County.

499 (d) When a dissolution becomes effective, Greene County shall take title to all property
500 previously in the ownership of the district, and all taxes, fees, and assessments of the district
501 shall cease to be levied and collected.

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

503 (f) In the event that any district shall be dissolved in accordance with this section, the board
504 shall serve until December 31 of the year in which dissolution was approved for the purpose
505 of concluding any ongoing matters and projects. However, if such ongoing matters and
506 projects cannot be concluded by December 31 of such year, then the governing authority of
507 Greene County shall assume the duties of the board and shall be expressly authorized to
508 exercise the authority of the board of the dissolved district. In the alternative, the governing
509 authority of Greene County may, by resolution, assume all rights and obligations of the
510 district, either bonds or otherwise, and the district shall cease to exist upon the adoption of
511 such resolution.

512 **SECTION 15.**

513 Repealer.

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