

House Bill 3EX (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164th, Jackson of the 165th, Westbrook of the 163rd, Hitchens of the 161st, and Gilliard of the 162nd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide for the creation of one or more community improvement
2 districts in Chatham County and in each municipality therein, approved April 5, 1994 (Ga.
3 L. 1994, p. 4931), so as to revise provisions relating to designation of electors for districts
4 wholly within municipalities; to authorize additional elected members of district boards; to
5 revise qualifications for board members; to update provisions relating to cooperation with
6 municipal governments; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act to provide for the creation of one or more community improvement districts in
11 Chatham County and in each municipality therein, approved April 5, 1994 (Ga. L. 1994,
12 p. 4931), is amended by revising paragraph (7) of Section 3 as follows:

13 "(7) 'Electors' means the owners of real property within the district which is then subject
14 to taxes, fees, and assessments levied by the board as they appear on the most recent ad
15 valorem real property tax return records of Chatham County or one officer or director of
16 a corporate elector, one trustee of a trust which is an elector, or one designated

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17 representative of an elector whose designation is made in writing to the county attorney
18 and, if the district is wholly within any municipality, to the city attorney on a form
19 satisfactory to the county and city attorney at least eight days prior to an election. An
20 owner of multiple parcels has one vote, not one vote per parcel. Multiple owners of one
21 parcel have one vote which must be cast by one of their number who is designated in
22 writing by such multiple owners as their elector."

23 **SECTION 2.**

24 Said Act is further amended by revising subsections (a) and (d) of Section 5 as follows:

25 "(a) Each district created pursuant hereto shall be administered by a board composed of
26 at least five board members to be appointed and elected as hereinafter provided. Two
27 board members shall be appointed by the Chatham County Board of Commissioners if any
28 portion of the district lies within the unincorporated area of Chatham County; two board
29 members shall be appointed by the governing authority of each municipality within which
30 the district is now or hereafter partially located if any portion of the district lies within the
31 incorporated area of such municipality; and the remaining board members, which shall
32 number at least one more than the appointed members, shall be elected by the owners of
33 real property within the district subject to taxes, fees, and assessments levied by the board.
34 Elected board members shall serve for a term of four years, respectively. The appointed
35 board members shall serve at the pleasure of the governing body which appointed them,
36 respectively."

37 "(d)(1) Each board member elected pursuant to this Act shall be an elector, as defined
38 in paragraph (7) of Section 3 of this Act.

39 (2) In the event that any elected board member ceases to be an elector as required by this
40 subsection, such board member's position shall be declared vacant as of the date such
41 person ceases to qualify as an elector."

42 **SECTION 3.**

43 Said Act is further amended by revising Section 9 as follows:

44 "SECTION 9.

45 Cooperation with local governments.

46 The services and facilities provided pursuant to this Act shall be provided for in a
47 cooperation agreement executed jointly by the board and the governing authority of
48 Chatham County or any municipalities within which the district is located. The provisions
49 of this section shall in no way limit the authority of Chatham County or any such
50 municipality to provide services or facilities within the district; and Chatham County or
51 such municipalities shall retain full and complete authority and control over any of its
52 facilities located within its respective areas of any district. Said control shall include but
53 not be limited to the modification of, access to, and degree and type of services provided
54 through or by facilities of the municipality or county. Nothing contained in this section
55 shall be construed to limit or preempt the application of any governmental laws,
56 ordinances, resolutions, or regulations to the district or the services or facilities provided
57 therein."

58 **SECTION 4.**

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