

House Bill 1414 (AS PASSED HOUSE AND SENATE)

By: Representatives Hilton of the 48th, Romman of the 97th, and Marin of the 96th

A BILL TO BE ENTITLED

AN ACT

1 To provide for the creation of one or more community improvement districts to be wholly
2 located within the City of Peachtree Corners; to provide for a short title; to provide for the
3 purposes of said districts; to provide for definitions; to provide for boards to administer said
4 districts; to provide for the appointment and election of members of said boards; to provide
5 for taxes, fees, and assessments; to provide for the boundaries of said districts; to provide for
6 debt of said districts other than bonded indebtedness; to provide for cooperation with local
7 governments; to provide for powers of said boards; to provide for construction; to provide
8 that no notice, proceeding, publication, or referendum shall be required; to provide for
9 dissolutions; to provide the procedures connected with all of the foregoing; to provide for
10 related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 Short title.

14 This Act shall be known and may be cited as the "City of Peachtree Corners Community
15 Improvement Districts Act."

H. B. 1414

- 1 -

SECTION 2.

Purpose.

The purpose of this Act shall be to provide for the creation of one or more community improvement districts within the City of Peachtree Corners, and such district or districts may be created for the provision of some or all of the following governmental services and facilities as provided and authorized by Article IX, Section VII of the Constitution of the State of Georgia and the resolution activating each district created hereby, or as may be adopted by resolutions of the majority of the electors and the majority of the equity electors present and voting at a meeting of electors and equity electors. A quorum shall consist of those electors and equity electors present. No proxy votes may be cast. Notice of said meeting shall be given to said electors and equity electors by publishing notice thereof in the legal organ of Gwinnett County at least once each week for four weeks prior to such meeting.

Such governmental services and facilities include, but are not limited to:

- (1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads in connection therewith;
- (2) Parks and recreational areas and facilities and services;
- (3) Storm water and sewage collection and disposal systems;
- (4) Public transportation, including, but not limited to, services intended to reduce the volume of automobile traffic, to transport two or more persons in conveyances, to improve air quality, and to provide bicycle and pedestrian facilities and the operation of a traffic management association or similar entity and services;
- (5) Terminal and dock facilities and parking facilities and services; and
- (6) Such other services and facilities as may be provided for by general law or as the Georgia Constitution may authorize or provide now or hereafter.

SECTION 3.

Definitions.

42 As used in this Act, the term:

43 (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale
44 or 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 herein authorized.

48 (3) "Caucus of electors" means for each district the meeting of electors hereinafter
49 provided for at which the elected board members of the district are elected. A quorum at
50 such caucus shall consist of those electors present, and a majority of those present and
51 voting is necessary to elect board members. No proxy votes may be cast.

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

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

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

64 (C) All financing charges and loan fees and all interest on notes or other obligations of
65 a district which accrue or are paid prior to and during the period of construction of a

66 project and during such additional period as the board may reasonably determine to be
67 necessary to place such project in operation;

68 (D) All costs of engineering, surveying, architectural, and legal services and all expenses
69 incurred by engineers, surveyors, architects, and attorneys in connection with any project;

70 (E) All expenses for inspection of any project;

71 (F) All expenses of or incidental to determining the feasibility or practicability of any
72 project;

73 (G) All costs of plans and specifications for any project;

74 (H) All costs of title insurance and examinations of title with respect to any project;

75 (I) Repayment of any loans made for the advance payment of any part of the foregoing
76 costs, including interest thereon and any other expenses of such loans; and

77 (J) Administrative expenses of the board and such other expenses as may be necessary
78 for or incidental to any project or the financing thereof or the placing of any project in
79 operation.

80 Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part
81 of the cost of the project and may be paid or reimbursed as such out of the proceeds of
82 notes or other obligations issued by the district.

83 (5) "District" means the geographical area designated as such by the resolution of the
84 governing body or bodies consenting to the creation of the community improvement
85 district or as thereafter modified by any subsequent resolution of the governing body or
86 bodies within which the district is or is to be located, or a body corporate and politic being
87 a community improvement district created and activated pursuant hereto, as the context
88 requires or permits.

89 (6) "Electors" means the owners of real property within the district which is subject to
90 taxes, fees, and assessments levied by the board, as they appear on the most recent ad
91 valorem real property tax return records of Gwinnett County, or one officer or director of
92 a corporate elector, one trustee of a trust which is an elector, one partner of a partnership

93 elector, or one designated representative of an elector whose designation is made in
94 writing. An owner of property that is subject to taxes, fees, or assessments levied by the
95 board shall have one vote for an election based on numerical majority. An owner of
96 multiple parcels has one vote, not one vote per parcel, for an election based on numerical
97 majority. Multiple owners of one parcel have one vote for an election based on numerical
98 majority which must be cast by one of their number who is designated in writing.

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

113 (8) "Equity electors" means electors who cast votes equal to each \$1,000.00 value of all
114 owned real property within the district which is then subject to taxes, fees, and assessments
115 levied by the board. Value of real property shall be the assessed value.

116 (9) "Forestry" means the planting and growing of trees for sale in a program which
117 includes reforestation of harvested trees, regular underbrush and undesirable growth
118 clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active

119 tree-farming operation. It does not include the casual growing of trees on land otherwise
120 idle or held for investment, even though some harvesting of trees may occur thereon.

121 (10) "Hereby," "herein," "hereinunder," and "herewith" mean under this Act.

122 (11) "Project" means the acquisition, construction, installation, modification, renovation,
123 or rehabilitation of land, interests in land, buildings, structures, facilities, or other
124 improvements, including operation of facilities or other improvements, located or to be
125 located within or otherwise providing service to the district and the acquisition, installation,
126 modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment,
127 furniture, or other property of any nature whatsoever used on, in, or in connection with any
128 such land, interest in land, building, structure, facility, or other improvement; the creation,
129 provision, enhancement, or supplementing of public services (such as fire, police, and other
130 services), provided that same do not conflict with or duplicate existing public services; and
131 all for the essential public purposes set forth in Section 2 of this Act.

132 (12) "Property owner" or "owner of real property" means any entity or person shown as
133 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax records
134 of Gwinnett County within the district as certified by the Gwinnett County Tax
135 Commissioner.

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

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

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

149 (16) "Value" or "assessed value" of property means the values established in the most
150 recent ad valorem tax reassessment of such properties certified by the chairperson of the
151 Gwinnett County Board of Tax Assessors.

152 SECTION 4.

153 Creation.

154 (a) Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is
155 created one or more community improvement districts to be located in the City of Peachtree
156 Corners, Georgia, either wholly within the incorporated area thereof, or partly within the
157 unincorporated area of a county, or one or more municipalities thereof, each of which shall
158 be activated upon compliance with the conditions set forth in this section. Each district shall
159 be governed by a board constituted by this Act. The conditions for such activation shall be:

160 (1) The adoption of a resolution consenting to the creation of the community improvement
161 district or districts by the governing authority for the City of Peachtree Corners and
162 imposing such conditions on the projects and activities which may be undertaken as will
163 ensure their compatibility with adopted city policies and planning for the area; and

164 (2) The written consent to the creation of the community improvement district by:

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

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

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

171 The written consent provided for in this paragraph shall be submitted to the Gwinnett
172 County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this
173 paragraph have been satisfied with respect to each such proposed district.

174 (b) No district or board created under this Act shall transact any business or exercise any
175 powers under this Act until the foregoing conditions are met. A copy of such resolutions
176 shall be filed with the Secretary of State and with the city clerk of the City of Peachtree
177 Corners, who shall each maintain a record of all districts activated under this Act.

178 (c) Nothing contained herein shall limit:

179 (1) The ability of the governing authority of the City of Peachtree Corners to implement
180 more than one community improvement district; or

181 (2) Any district created pursuant to this act from being expanded into the unincorporated
182 area of the county, or into one or more other municipalities;

183 so long as the requirements of this Act and of the Georgia Constitution are satisfied.

184 (d) The provisions of this Act shall be construed so as to provide for the independent
185 application and exercise of all powers for each district contained herein including the ability
186 to levy taxes as outlined herein as separately and independently authorizing and empowering
187 such separate community improvement districts created hereby. Nothing contained herein
188 shall require the governing authority of the City of Peachtree Corners to create more than one
189 community improvement district, or to require the creation of a new district if the district
190 boundaries of an existing district are changed, added to, supplemented, or modified.

191

SECTION 5.

192

Administration, appointment, and election of board members.

193

(a)(1) Each district created pursuant hereto shall be administered either by the governing authority or by a board as prescribed under this Act. In the event that a district is to be governed by such a board, the board shall be composed of a minimum of seven board members to be appointed and elected as hereinafter provided:

194

195

196

197

(2) Three board members shall be appointed by the governing authority of the City of Peachtree Corners, one of whom shall be a member of the City Council, to serve in Posts 5, 6, and 7. Two board members shall be elected by the vote of electors, and two members shall be elected by the vote of equity electors. The board shall be seven in number. The members representing the electors and equity electors shall be elected to serve in post positions 1 through 4, respectively. Each elected board member must receive a majority of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3 and 4 shall be cast by equity electors. The initial term of office for the members representing Posts 1 and 3 shall be two years. The initial term of office for the members representing Posts 2 and 4 shall be three years. Thereafter, all terms of office shall be for three years, except the appointed board members who serve at the pleasure of the governing body which appointed them.

198

199

200

201

202

203

204

205

206

207

208

209

(b) The initial board members to be elected as provided above shall be elected in a caucus of electors which shall be held within 90 days after the adoption of the resolution by the City of Peachtree Corners consenting to the creation of the district, and obtaining the written consents herein provided at such time and place within the district as the City of Peachtree Corners shall designate after notice thereof shall have been given to said electors by publishing same in the legal organ of Gwinnett County as hereinafter provided. Thereafter, there shall be conducted, not later than 90 days following the last day for filing ad valorem real property tax returns in Gwinnett County, a caucus of said electors at such time and place

210

211

212

213

214

215

216

217 within the district as the board shall designate in such notice for the purpose of electing board
218 members to those board member positions whose terms expire or are vacant. If a vacancy
219 occurs in an elected position on the board, the board shall, within 60 days thereof, call a
220 special election to fill the same to be held within 60 days of the call unless such vacancy
221 occurs within 180 days of the next regularly scheduled election, in which case a special
222 election may, but need not, be called. For any election held hereunder, notice thereof shall
223 be given to said electors by publishing notice thereof in the legal organ of Gwinnett County
224 at least once each week for four weeks prior to such election.

225 (c) Board members shall be subject to recall as follows:

- 226 (1) By election, called by a resolution of the city council for the City of Peachtree Corners;
- 227 (2) By election, called by a resolution of the administrative board of the district;
- 228 (3) By election, called by a petition of 20 percent of the electors or a petition by holders
229 of 20 percent of eligible votes represented by equity electors;
- 230 (4) Upon petition of either a majority of the electors within the district or a majority of the
231 equity electors within the district, provided that, if the petition is for recall of an elected
232 board member, the petition shall be from the category of voters who elected the board
233 member; or
- 234 (5) Upon the termination of an agreement of cooperation. Termination is in the event such
235 agreement of cooperation shall lapse (including failure to reenact by the following
236 December 31 after an existing agreement of cooperation shall expire on its own terms) or
237 an affirmative resolution of rejection of an agreement or reenactment of an agreement of
238 cooperation by any one of the necessary parties so that no agreement of cooperation is in
239 force.

240 (d) Board members, including appointed board members, shall be electors within the district.
241 If a board member ceases to be an elector, such board member's position shall be declared
242 vacant as of the date of the event terminating such status.

243 (e) Board members shall receive no compensation for their services, but shall be reimbursed
244 for actual expenses incurred in the performance of their duties. They shall elect one of their
245 number as chairperson and another as vice chairperson. They shall also elect a secretary and
246 a treasurer, or a secretary-treasurer, either of whom may, but need not, be a member of the
247 board or an elector.

248 (f) If the boundaries of a district are subsequently changed after creation of the district to
249 include land within a municipality which was not a party to the creation of the district, or if
250 a municipality's boundaries are changed to include land within an existing district, the
251 governing authority of the municipality shall acquire the right to appoint a member to the
252 board of the district upon entering into the cooperation agreement provided for in Section 9
253 hereof. If the boundaries of a district or municipality are subsequently changed after creation
254 of a district to include land within the unincorporated area of Gwinnett County and the
255 district originally had no land within the unincorporated area of Gwinnett County, the Board
256 of Commissioners of Gwinnett County shall acquire the right to appoint a member to the
257 board of the district upon entering into the cooperation agreement provided for in Section 9
258 hereof. If, by municipal annexation or by deannexation of land from a district, the district
259 no longer includes land within the unincorporated area of Gwinnett County or within a
260 municipality, respectively, then the board member of the district appointed by such
261 governing authority in which the district is no longer located shall cease to be a board
262 member.

263 (g) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to
264 the election of district board members. The district board may adopt such bylaws not
265 inconsistent herewith to provide for any matter concerning such elections.

266

SECTION 6.

267

Taxes, fees, and assessments.

268

269

270

271

272

273

274

275

276

277

278

279

280

281

282

283

284

285

286

287

288

289

290

291

(a) The board may levy taxes, fees, and assessments within the district only on real property used nonresidentially, specifically excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia, all property used for residential, agricultural, or forestry purposes, and all tangible personal property and intangible property.

Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed value of all such real property. The taxes, fees, and assessments levied by the board shall be equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property. The proceeds of taxes, fees, and assessments levied by the board shall be used only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the district and not for the purpose of providing those governmental services and facilities provided to the municipality as a whole. Any tax, fee, or assessment so levied shall be collected by either the Gwinnett County tax commissioner or the City of Peachtree Corners in the same manner as taxes, fees, and assessments are levied by either Gwinnett County or the City of Peachtree Corners. Delinquent taxes shall bear the same interest and penalties as either Gwinnett County or the City of Peachtree Corners ad valorem taxes and may be enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent thereof, but not more than \$25,000.00 in any one calendar year, shall be transmitted by either the Gwinnett County tax commissioner or the City of Peachtree Corners to the board and shall be expended by the board only for the purposes authorized hereby.

(b) The board shall levy the taxes provided for in subsection (a) of this section subsequent to the report of the assessed taxable values for the current calendar year and notify in writing

292 the collecting governing bodies so they may include the levy on their regular ad valorem tax
293 bills, if possible.

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

298 SECTION 7.

299 Boundaries of the districts.

300 (a) The boundaries of each district shall be as designated as such by the City of Peachtree
301 Corners as set forth in the resolutions required in Section 4 hereof, or as may thereafter be
302 added as hereinafter provided.

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

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

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

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

314 (4) The adoption of a resolution consenting to the annexation by the governing authorities
315 of Gwinnett County, if any portion of the district is or is to be in the unincorporated area

316 of Gwinnett County, and such municipalities as may have area within the district before
317 or after the annexation.

318 (c) The boundaries of a district may also be increased after the initial creation of a district
319 if:

320 (1) Written consent of the owners of any real property sought to be annexed and which
321 will not be subject to taxes, fees, and assessments levied by the board of the district is first
322 obtained;

323 (2) The board of the district adopts a resolution consenting to the annexation; and

324 (3) A resolution is adopted which grants consent to the annexation by the governing
325 authorities of Gwinnett County, if any portion of the district is in the unincorporated area
326 of Gwinnett County, and such municipalities as may have area within the district before
327 or after the annexation.

328 (d) Property which is not subject to taxes, fees, and assessments levied by the board of the
329 district and which is adjacent to, contiguous to, or abutting property within the district may
330 be annexed by:

331 (1) The adoption of a resolution approving the annexation by the board of the district; and

332 (2) The adoption of a resolution granting consent to the annexation by the governing
333 authorities of Gwinnett County, if any portion of the district is in the unincorporated area
334 of Gwinnett County, and such municipalities as may have area within the district before
335 or after the annexation.

336 **SECTION 8.**

337 Debt.

338 Except as otherwise provided in this section, each district may incur debt without regard to
339 the requirements of Article IX, Section V of the Constitution of Georgia, or any other
340 provision of law, prohibiting or restricting the borrowing of money or the creation of debt

341 by political subdivisions of the State of Georgia, which debt shall be backed by the full faith
342 and credit and taxing power of the district but shall not be an obligation of the State of
343 Georgia or any other unit of government of the State of Georgia other than the district,
344 provided, however, that the board and the district may not issue bonds validated under or in
345 accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., known as the "Revenue
346 Bond Law," or in accordance with such other successor provisions governing bond validation
347 generally or as may be provided by law.

348 **SECTION 9.**

349 Cooperation with local governments.

350 The services and facilities provided pursuant hereto shall be provided for in a cooperation
351 agreement executed jointly by the board, the governing body of the City of Peachtree
352 Corners, and any other governmental authorities or agencies within which the district is
353 partially located. The provisions of this section shall in no way limit the authority of the City
354 of Peachtree Corners or any such governmental authority or agency to provide services or
355 facilities within the district; and the City of Peachtree Corners or such governmental
356 authorities or agencies shall retain full and complete authority and control over any of its
357 facilities located within its respective areas of any district. Said control shall include but not
358 be limited to the modification of, access to, and degree and type of services provided through
359 or by facilities of the City of Peachtree Corners or any other governmental authorities or
360 agencies within the district. Nothing contained in this section shall be construed to limit or
361 preempt the application of any governmental laws, ordinances, resolutions, or regulations to
362 the district or the services or facilities provided therein. Any community improvement
363 district created pursuant to this Act shall indemnify and hold harmless the State of Georgia,
364 Gwinnett County, the City of Peachtree Corners, or any other county or municipality located
365 wholly or partially within such community improvement district, and any other unit of

366 government of the State of Georgia other than such community improvement district from
367 any claim or cause of action asserted against, or which is capable of assertion against, such
368 community improvement district arising from the acts or omissions of the community
369 improvement district. Neither the State of Georgia, Gwinnett County, the City of Peachtree
370 Corners, or any other county or municipality located wholly or partially within such district,
371 nor any other unit of government of the State of Georgia other than the district shall be
372 responsible or liable for payment of any sum arising from a claim or cause of action asserted,
373 or which might have been asserted, against such community improvement district arising
374 from the acts or omissions of the community improvement district.

375 **SECTION 10.**

376 Powers.

377 (a) Each district and its board created pursuant hereto shall have all of the powers necessary
378 or convenient to carry out and effectuate the purposes and provisions hereof, including,
379 without limiting the generality of the foregoing, the power:

- 380 (1) To bring and defend actions;
- 381 (2) To adopt and amend a corporate seal;
- 382 (3) To make and execute contracts, agreements, and other instruments necessary or
383 convenient to exercise the powers of the board or to further the public purposes for which
384 the district is created, including, but not limited to, contracts for construction of projects,
385 leases of projects, contracts for sale of projects, agreements for loans to finance projects,
386 contracts with respect to the use of projects, and agreements with other jurisdictions or
387 community improvement districts regarding multi-jurisdictional projects or services or for
388 other cooperative endeavors to further the public purposes of the district;

- 389 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
390 personal property of every kind and character, or any interest therein, in furtherance of the
391 public purposes of the district;
- 392 (5) To finance (by loan, grant, lease, or otherwise), construct, erect, assemble, purchase,
393 acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve,
394 install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any
395 project from the proceeds of the district or any other funds of the district, or from any
396 contributions or loans by persons, corporations, partnerships (whether limited or general),
397 or other entities, all of which the board is authorized to receive, accept, and use;
- 398 (6) To borrow money to further or carry out its public purposes and to execute bonds,
399 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale
400 of its notes, or other obligations, loan agreements, security agreements, assignments, and
401 such other agreements or instruments as may be necessary or desirable, in the judgment of
402 the board, to evidence and to provide security for such borrowing;
- 403 (7) Issue notes or other obligations of the district and use the proceeds thereof for the
404 purpose of paying all or any part of the cost of any project and otherwise to further or carry
405 out the public purposes of the district and to pay all reasonably incurred costs of the board
406 incidental to, or necessary and appropriate to, furthering or carrying out such purposes;
407 provided, however, that the board and the district may not issue bonds validated under or
408 in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., known as the
409 "Revenue Bond Law," or in accordance with such other successor provisions governing
410 bond validation generally or as may be provided by law;
- 411 (8) To make application directly or indirectly to any federal, state, county, or municipal
412 government or agency or to any other source, whether public or private, for loans, grants,
413 guarantees, or other financial assistance in furtherance of the district's public purposes and
414 to accept and use the same upon such terms and conditions as are prescribed by such
415 federal, state, county, or municipal government or agency or other source;

- 416 (9) To enter into agreements with the federal government or any agency thereof to use the
417 facilities or services of the federal government or any agency thereof in order to further or
418 carry out the public purposes of the district;
- 419 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, state
420 institutions, or any municipal corporation, county, or political subdivision of this state for
421 the use by the district of any facilities or services of the state or any such state institution,
422 municipal corporation, county, or political subdivision of this state, or for the use by any
423 state institution or any municipal corporation, county, or political subdivision of the state
424 of any facilities or services of the district, provided that such contracts shall deal with such
425 activities and transactions as the district and any such political subdivision with which the
426 district contracts are authorized by law to undertake;
- 427 (11) To grant, mortgage, convey, assign, or pledge its property, revenues or taxes, or fees
428 or assessments to be received as security for its notes, or other indebtedness and
429 obligations;
- 430 (12) To receive and use the proceeds of any tax levied by any county or any municipal
431 corporation to pay the costs of any project or for any other purpose for which the board
432 may use its own funds pursuant hereto;
- 433 (13) To receive and administer gifts, grants, and devises of money and property of any
434 kind and to administer trusts;
- 435 (14) To use any real property, personal property, or fixtures or any interest therein or to
436 rent or lease such property to or from others or make contracts with respect to the use
437 thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant
438 options for any such property in any manner as it deems to be the best advantage of the
439 district and the public purposes thereof;
- 440 (15) To appoint, select, and employ engineers, surveyors, architects, urban or city
441 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their
442 expenses;

443 (16) To encourage and promote the improvement and development of the district and to
444 make, contract for, or otherwise cause to be made long-range plans or proposals for the
445 district in cooperation with the City of Peachtree Corners and any county or municipal
446 corporations in which the district is wholly or partially located;

447 (17) To invest its funds, whether derived from the issuance of its bonds or otherwise, in
448 such manner as it may deem prudent and appropriate, without further restriction;

449 (18) To adopt bylaws governing the conduct of business by the board, the election and
450 duties of officers of the board, and other matters which the board determines to deal within
451 its bylaws;

452 (19) To exercise any power granted by the laws of this state to public or private
453 corporations which is not in conflict with the public purposes of the district;

454 (20) To create, provide, enhance, or supplement public services such as fire, police, and
455 other such services as may be deemed necessary, provided that said public services do not
456 conflict with or duplicate the existing City of Peachtree Corners, county or other municipal
457 corporation services; and

458 (21) To do all things necessary or convenient to carry out the powers conferred hereby.

459 (b) The powers enumerated in each paragraph of subsection (a) of this section are
460 cumulative of and in addition to those powers enumerated herein and elsewhere in this Act
461 and no such power limits or restricts any other power of the board.

462

SECTION 11.

463

Construction, notice, proceeding, publication, referendum.

464 This Act shall be liberally construed to effect the purposes hereof. No notice, proceeding,
465 or publication except those required hereby shall be necessary to the performance of any act
466 authorized hereby, nor shall any such act be subject to referendum.

467

SECTION 12.

468

Applicability of Chapter 5 of Title 10 of the O.C.G.A.,

469

the "Georgia Uniform Securities Act of 2008."

470 The offer, sale, or issuance of notes or other obligations by the district shall not be subject

471 to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities

472 Act of 2008."

473

SECTION 13.

474

Dissolution.

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

476 for such dissolution shall be:

477 (1) The adoption of a resolution approving of the dissolution of each community

478 improvement district by the City of Peachtree Corners and any such county or

479 municipalities within which the district may be located if partially within the

480 unincorporated area of a county and partially within one or more municipalities; and

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

482 (A) Two-thirds, 67 percent, of the owners of real property within the district which are

483 subject to taxes, fees, and assessments levied by the board of the district; and

484 (B) The owners of real property constituting at least 75 percent by value of all real

485 property within the district which are subject to taxes, fees, and assessments levied by the

486 board. For this purpose, value shall be determined by the most recent approved county

487 ad valorem tax digest.

488 The written consent provided for in this paragraph shall be submitted to the Gwinnett

489 County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this

490 paragraph have been satisfied with respect to each proposed district dissolution.

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

496 (d) Upon a successful dissolution action, all noncash assets of the district other than public
497 facilities or land or easements to be used for such public facilities, as described in Section 2
498 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be applied
499 to the repayment of any debt obligation of the district. Any cash remaining after all
500 outstanding obligations are satisfied shall be refunded to each property owner in direct
501 proportion to the total amount in taxes, fees, or assessments paid by the property owner
502 relative to the total revenues paid by all properties in the district.

503 (e) When a dissolution becomes effective, the municipal governing authority, or the
504 governing authority of a county or municipality if wholly within the incorporated area
505 thereof, shall take title to all property previously in the ownership of the district and all taxes,
506 fees, and assessments of the district shall cease to be levied and collected.

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

508 **SECTION 14.**

509 Repealer.

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