

House Bill 714 (AS PASSED HOUSE AND SENATE)

By: Representative Hitchens of the 161<sup>st</sup>

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 the City of Rincon, approved April 25, 2022 (Ga. L. 2022, p. 5627), so as to  
3 revise provisions relating to the designation of electors; to revise the appointment and  
4 election of board members; to provide for related matters; to repeal conflicting laws; and for  
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to provide for the creation of one or more community improvement districts in the  
9 City of Rincon, approved April 25, 2022 (Ga. L. 2022, p. 5627), is amended in Section 3 by  
10 revising paragraph (7) as follows:

11 "(7) 'Electors' means the owners of real property within the district which is then subject  
12 to taxes, fees, and assessments levied by the board as such owners appear on the most  
13 recent ad valorem real property tax return records of Effingham County or one officer or  
14 director of a corporate elector, one trustee of a trust which is an elector, or one designated  
15 representative of an elector whose designation is made in writing at least eight days prior  
16 to an election to the city attorney on a form satisfactory to the city attorney. An owner

of multiple parcels shall only have one vote, not one vote per parcel. Multiple owners of one parcel shall have one vote which shall be cast by one of their number designated in writing by such multiple owners as their elector."

## SECTION 2.

Said Act is further amended by revising Section 5 as follows:

## "SECTION 5.

Administration, appointment, and election of board members

(a)(1) Pursuant to Article IX, Section VII, Paragraph III of the Constitution of the State of Georgia, each district created pursuant to this Act shall be administered by a board composed of five board members to be appointed and elected as hereinafter provided. One board member shall be appointed by the majority vote of a quorum of the city council of the City of Rincon, Georgia. One board member shall be appointed by the city manager of the City of Rincon, Georgia. The remaining three board members shall be elected by a caucus of electors representing the owners of real property within the district subject to taxes, fees, and assessments levied by the board. Elected board members shall each serve for a term of four years, respectively. The appointed board members shall serve at the pleasure of the governing body and city manager who appointed them, respectively. The city council of the City of Rincon may, after adoption of a resolution, provide for a district created pursuant to this Act to be administered by a board composed of seven board members, with the sixth and seventh board members shall be elected as provided for in this Act.

(2) Each elected board member shall be an elector, as defined in paragraph (7) of Section 3 of this Act. In the event that an elected board member ceases to be an elector

as required by this subsection, such board member's position shall be declared vacant as of the date such person ceases to qualify as an elector.

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

(c) Board members shall be subject to recall in an election called by either:

(1) A resolution of the city council of the City of Rincon; or

(2) A petition signed by one-third of the electors of the district.

(d) The initial board members to be elected as provided in this Act shall be elected in a caucus of electors, which shall be held within 60 days after the adoption of a resolution of the city council of the City of Rincon setting the time and place within the district after notice thereof shall have been given to such electors by publishing notice thereof in the legal organ of Effingham County once a week for four weeks prior to such caucus. Thereafter, there shall be conducted annually, not later than 60 days following the last day for filing ad valorem property tax returns in Effingham County, a caucus of such electors at such time and place within the district as the board shall designate in such notice for the purpose of electing board members to those positions which have terms expiring or are vacant. If a vacancy occurs in an elected position on the board, the board shall, within 60 days thereafter, call a special election to fill such vacancy to be held within 60 days of the call unless the vacancy occurs within 180 days of the next regularly scheduled election, in which case a special election may, but need not, be called. For any election held under the provisions of this Act, notice of such election shall be given to the electors by publishing notice thereof in the legal organ of Effingham County once a week for four weeks prior to such caucus.

66 (e) Chapters 2 and 4 of Title 21 of the O.C.G.A. shall not apply to the election or recall of  
67 district board members. A district board may adopt such bylaws not inconsistent herewith  
68 to provide for any matter concerning such elections."

69 **SECTION 3.**

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