

House Bill 1065 (AS PASSED HOUSE AND SENATE)

By: Representative Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the creation of one or more community improvement districts in the City of  
2 Jefferson; to provide for a short title; to provide for the purposes of such districts; to provide  
3 for definitions; to provide for boards to administer such districts; to provide for appointment  
4 or election of members of such boards; to provide for taxes, fees, and assessments; to provide  
5 for the boundaries of such districts; to provide procedures for the determination of the  
6 specifications for projects to be undertaken by the district and the manner of levying taxes,  
7 fees, and assessments with respect thereto; to provide for the debt of such districts; to provide  
8 for cooperation with local governments; to provide for powers of such boards; to provide for  
9 general obligation bonds, notes, and other obligations of such districts; to provide for the  
10 form of bonds, provisions for exchange and transfer, certificates of validation, and  
11 specification of interest rates in notice to the district attorney or the Attorney General and in  
12 notice of validation hearings; to provide for definition of the terms "cost of the project" and  
13 "cost of any project" as used in bond resolutions and elsewhere; to provide for authorized  
14 contents of agreements and instruments of the boards generally; to provide for use of  
15 proceeds of sale of bonds, notes, and other instruments; to provide for subsequent issues of  
16 bonds, notes, and other instruments; to provide for construction; to provide that no notice,  
17 proceeding, publication, or referendum shall be required; to provide the procedures  
18 connected with all of the foregoing; to provide for the termination of districts under certain  
19 conditions; to provide for severability; to provide for an effective date; to repeal conflicting  
20 laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **SECTION 1.**

23 Short title.

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

26 **SECTION 2.**

27 Purpose.

28 The purpose of this Act shall be to provide for the creation of one or more community  
29 improvement districts within the City of Jefferson, and such districts shall be created for the  
30 provision of such of the following governmental services and facilities as may be provided  
31 for in the resolution activating each district created under this Act or any supplemental  
32 resolution amending same:

33 (1) Street and road construction and maintenance, including curbs, sidewalks, street  
34 lights, and devices to control the flow of traffic on streets and roads;

35 (2) Parks and recreational areas and facilities;

36 (3) Storm-water and sewage collection and disposal systems;

37 (4) Development, storage, treatment, purification, and distribution of water;

38 (5) Public transportation, including, but not limited to, services intended to reduce the  
39 volume of traffic or to transport two or more persons in common vehicles or  
40 conveyances;

41 (6) Terminal and dock facilities and parking facilities; and

42 (7) Such other services and facilities as may be provided for by general law.

43 **SECTION 3.**

44 Definitions.

45 As used in this Act, the term:

46 (1) "Agricultural" means the growing of crops for sale or raising of animals for sale or  
47 use, including the growing of field crops and fruit or nut trees, the raising of livestock or  
48 poultry, and the operation of dairies, horse boarding facilities, and riding stables.

49 (2) "Board" means the governing body created for the governance of each community  
50 improvement district authorized by this Act.

51 (3) "Bonds" or "general obligation bonds" means any bonds of a district which are  
52 authorized to be issued under the Constitution and laws of Georgia, including refunding  
53 bonds but not including notes or other obligations of a district.

54 (4) "Caucus of electors" means for each district the meeting of electors at which the  
55 elected board members of the district are elected. A quorum at such caucus shall consist  
56 of those electors present, and a majority of those present and voting is necessary to elect  
57 board members. No proxy votes may be cast.

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

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

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

71 (C) All interest and other financing charges and loan fees and all interest on bonds,  
72 notes, or other obligations of a district which accrue or are paid prior to and during the  
73 period of construction of a project and during such additional period as the board may  
74 reasonably determine to be necessary to place such project in operation;

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

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

79 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust  
80 agreement, indenture of trust, or similar instrument or agreement; all expenses incurred  
81 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses  
82 incurred relative to the issuance of any bonds, notes, or other obligations for any  
83 projects;

84 (G) All expenses of or incidental to determining the feasibility or practicability of any  
85 project;

86 (H) All costs of plans and specifications for any project;

87 (I) All costs of title insurance and examinations of title with respect to any project;

88 (J) Repayment of any loans made for the advance payment of any part of any of the  
89 foregoing costs, including interest thereon and any other expenses of such loans;

90 (K) Administrative expenses of the board and such other expenses as may be necessary  
91 or incidental to any project or the financing thereof or the placing of any project in  
92 operation; and

93 (L) The establishment of a fund or funds for the creation of a debt service reserve, a  
94 renewal and replacement reserve, or such other funds or reserves as the board may  
95 approve with respect to the financing and operation of any project and as may be  
96 authorized by any bond resolution, trust agreement, indenture of trust, or similar  
97 instrument or agreement pursuant to the provisions of which the issuance of any bonds,  
98 notes, or other obligations of the district may be authorized.

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

102 (6) "District" means the geographical area designated as such by the resolution of the  
103 governing body consenting to the creation of the community improvement district or as  
104 thereafter modified by any subsequent resolution of the governing body within which the  
105 district is or is to be located, or a body corporate and politic being a community  
106 improvement district created and activated pursuant hereto, as the context requires or  
107 permits.

108 (7) "Electors" means the owners of real property used nonresidentially within the district  
109 which is then subject to taxes, fees, and assessments levied by the board, as they appear  
110 on the most recent ad valorem real property tax return records of Jackson County, or one  
111 officer or director of a corporate elector, one trustee of a trust which is an elector, one  
112 partner of a partnership elector, or one designated representative of an elector whose  
113 designation is made in writing. An owner of property subject to taxes, fees, or  
114 assessments levied by the board shall have one vote for an election based on numerical  
115 majority, and one vote for each \$1,000.00 (or fraction thereof) in assessed value of the  
116 owner's property for an election based on value majority. An owner of multiple parcels  
117 has one vote, not one vote per parcel, for an election based on numerical majority, and  
118 one vote for each \$1,000.00 (or fraction thereof) in assessed value of the aggregate of the  
119 owner's properties subject to taxes, fees, or assessments levied by the board for an  
120 election based on value majority. Multiple owners of one parcel have one vote for  
121 elections based on numerical majority and one vote for each \$1,000.00 (or fraction  
122 thereof) in assessed value of the owner's property for elections based on value majority,  
123 which must be cast by one of their number who is designated in writing.

124 (8) "Equitably apportioned among the properties subject to such taxes, fees, and  
125 assessments according to the need for governmental services and facilities created by the  
126 degree of density of development of each such property," with reference to taxes, fees,

127 and assessments levied by the board, means that the burden of the taxes, fees, and  
 128 assessments shall be apportioned among the properties subject thereto based upon the  
 129 values established in the most recent ad valorem tax reassessment of such properties  
 130 certified by the chairperson of the Jackson County Board of Tax Assessors or may be  
 131 apportioned among the properties subject thereto in direct or approximate proportion to  
 132 the receipt of services or benefits derived from the improvements or other activities for  
 133 which the taxes, fees, or assessments are to be expended or may be apportioned in any  
 134 other manner or combination of manners deemed equitable by the board, including, but  
 135 not limited to, the recognition of differential benefits which may reasonably be expected  
 136 to accrue to new land development in contrast to lands and improvements already in  
 137 existence at the time of creation of the community improvement district.

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

143 (10) "Project" means the acquisition, construction, installation, modification, renovation,  
 144 or rehabilitation of land, interests in land, buildings, structures, facilities, or other  
 145 improvements located or to be located within the district or in another community  
 146 improvement district immediately adjoining the district as to directly benefit the district,  
 147 such benefit to be determined by the board, and the acquisition, installation, modification,  
 148 renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or  
 149 other property of any nature whatsoever used on, in, or in connection with any such land,  
 150 interest in land, building, structure, facility, or other improvement, for all the essential  
 151 public purposes set forth in Section 2 of this Act, so long as the project is described in the  
 152 project specifications for the district.

153 (11) "Project specifications" means a description of the project or projects to be  
 154 undertaken by the district. The project specifications shall include the rates for taxes,  
 155 fees, and assessments that the district may levy. The project specifications may also  
 156 include, as a matter of election, any or all of the following:

157 (A) The maximum amounts that may be raised for any annual period by taxes, fees,  
 158 and assessments;

159 (B) The maximum period of time during which such taxes, fees, and assessments may  
 160 be levied; and

161 (C) A method for the equitable apportionment of such taxes, fees, and assessments.

162 (12) "Property owner" or "owner of real property" means any entity or person shown as  
 163 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax

164 records of Jackson County within the district as certified by the Jackson County tax  
 165 commissioner. Multiple owners of one parcel shall constitute one property owner and  
 166 shall designate in writing one of their number to represent the whole.

167 (13) "Property used nonresidentially" means property or any portion thereof used for  
 168 neighborhood shopping, planned shopping centers, general commercial, transient lodging  
 169 facilities, tourist services, office or institutional, office services, light industry, heavy  
 170 industry, central business district, parking, or other commercial or business use, as well  
 171 as vacant land zoned or approved for any of the uses listed in this paragraph which does  
 172 not include residential.

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

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

#### 180 **SECTION 4.**

#### 181 **Creation.**

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

187 (1) The delivery of a petition by any taxpayer containing the project specifications for  
 188 the proposed district to the governing body of the City of Jefferson;

189 (2) The adoption of a resolution consenting to the creation of each community  
 190 improvement district by the governing body of the City of Jefferson which states that the  
 191 district is created pursuant to this Act and to the project specifications;

192 (3) Written consent to the creation of the community improvement district and the  
 193 project specifications by:

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

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

198 assessments levied by the board and for this purpose value shall be determined by the  
199 most recent approved county ad valorem tax digest; and

200 (4) If the proposed district is to lie in an area wholly or partially coexistent with one or  
201 more community improvement districts, then the board of the newly created district and  
202 the board of the preexisting district or districts shall have entered into a cooperative  
203 agreement whereby the collection of taxes and the provision of services in the  
204 overlapping areas of such districts shall be specified.

205 (b) The written consents provided for in paragraph (3) of subsection (a) of this section and  
206 the cooperative agreement, if required, provided for in paragraph (4) of subsection (a) of  
207 this section shall be submitted to the Jackson County tax commissioner, who shall certify  
208 whether paragraphs (3) and (4) of subsection (a), as applicable, have been satisfied with  
209 respect to each such proposed district.

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

215 (d) The project specifications may be amended, changed, or expanded from time to time,  
216 but not so as to reduce taxes, fees, and assessments pledged to holders of bonds or other  
217 indebtedness of the district without such holders' written consent, by the adoption,  
218 certification, and filing of a resolution and consents as described in paragraphs (2) and (3)  
219 of subsection (a) of this section.

## 220 **SECTION 5.**

221 Administration, appointment, and election of board members.

222 (a) Each district created pursuant to this Act shall be administered by a board composed of  
223 five members to be appointed and elected as provided in this section. Two board members  
224 shall be appointed by the governing body of the City of Jefferson, and the remaining board  
225 members shall be elected by the electors. The appointed board members shall serve at the  
226 pleasure of the governing body of the City of Jefferson. The initial elected board members  
227 shall serve for terms of office as follows: one shall serve for two years, and the remaining  
228 board members shall serve for four years. Thereafter, all terms of office shall be for four  
229 years, except the appointed members who serve at the pleasure of the governing body of the  
230 City of Jefferson.

231 (b) The initial board members to be elected by the electors as provided in subsection (a) of  
232 this section shall be elected in a caucus of electors, which shall be held within 90 days after

233 the adoption of the resolutions and obtaining the written consents provided for in this Act at  
234 such time and place within the district as the governing body of the City of Jefferson shall  
235 designate after notice thereof shall have been given to said electors by publishing notice in  
236 the legal organ of Jackson County, as provided in this Act, and by contacting each elector by  
237 United States mail at the address indicated in the property tax rolls. The mayor of the City  
238 of Jefferson or the mayor's designee shall convene the initial caucus of electors. Thereafter,  
239 there shall be conducted biennially, not later than 60 days following the last day for filing ad  
240 valorem real property tax returns in Jackson County, a caucus of such electors at such time  
241 and place within the district as the board shall designate in such notice for the purpose of  
242 electing board members to those positions which have terms expiring or are vacant. If a  
243 vacancy occurs in an elected position on the board, the board shall, within 60 days thereafter,  
244 call a special election to fill the same to be held within 60 days of the call unless such  
245 vacancy occurs within 180 days of the next regularly scheduled election, in which case a  
246 special election may, but need not, be called. For any election held under the provisions of  
247 this Act, notice of such election shall be given to the electors by:

248 (1) Publishing notice thereof in the legal organ of Jackson County on four dates at  
249 least 45 days, 31 days, 17 days, and ten days, respectively, prior to such election; and

250 (2) Contacting each elector at least 31 days prior to such election by United States mail  
251 at the address indicated in the property tax rolls.

252 (c) One board member shall be elected by majority vote of the electors present and voting  
253 at the caucus on the basis of one vote for each elector. Such board member shall be elected  
254 to a term of office of two years at the initial caucus of electors when the board is first formed  
255 and to terms of office of four years thereafter. Two board members shall be elected by  
256 majority of the votes cast by the electors present and voting at the caucus, with each elector  
257 having one vote for each \$1,000.00 or fraction thereof in assessed value of the property  
258 owned by the elector subject to taxes, fees, or assessments levied by the board. All vacancies  
259 to be filled through election shall be filled by majority vote in the same manner as the board  
260 member previously holding the seat.

261 (d) The elected board members shall be subject to recall as any other elected public official  
262 by the electors.

263 (e) Board members elected by the electors shall be electors within the district. If such board  
264 member ceases to be an elector, such board member's position shall be declared vacant as of  
265 the date of the event terminating such status.

266 (f) The board members shall receive no compensation for their services but shall be  
267 reimbursed for actual expenses incurred in the performance of their duties. They shall elect  
268 one of their members as chairperson and another as vice chairperson and shall also elect a



269 secretary and a treasurer or a secretary-treasurer, either of whom may, but need not, be a  
270 member of the board.

271 **SECTION 6.**

272 Taxes, fees, and assessments.

273 (a) The board may levy taxes, fees, and assessments within the district only on real property  
274 used nonresidentially, specifically excluding all property exempt from ad valorem taxation  
275 under the Constitution or laws of the State of Georgia and all property used for residential,  
276 agricultural, or forestry purposes and specifically excluding tangible personal property and  
277 intangible property. Any tax, fee, or assessment so levied shall not exceed 2 1/2 percent of  
278 the aggregate assessed value of all such real property; provided, however, that no tax, fee,  
279 or assessment so levied shall exceed any lesser limitation designated in the project  
280 specifications and that no tax, fee, or assessment shall be levied beyond any time limitation  
281 designated as provided in the project specifications. The taxes, fees, and assessments levied  
282 by the board shall be equitably apportioned among the properties subject to such taxes, fees,  
283 and assessments according to the need for governmental services and facilities created by the  
284 degree of density of development of each such property. The proceeds of taxes, fees, and  
285 assessments levied by the board shall be used only for the purpose of providing governmental  
286 services and facilities which are specially required by the degree of density of development  
287 within the applicable district and not for the purpose of providing those governmental  
288 services and facilities provided to the county or municipality as a whole. Any tax, fee, or  
289 assessment so levied shall be collected by Jackson County in the same manner as taxes, fees,  
290 and assessments are levied by the county. Delinquent taxes shall bear the same interest and  
291 penalties as Jackson County ad valorem taxes and may be enforced and collected in the same  
292 manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs  
293 of collection of 1 percent thereof, but not more than \$25,000.00 in any one calendar year,  
294 shall be transmitted by Jackson County to the board and shall be expended by the board only  
295 for the purposes authorized by this Act.

296 (b) The board shall levy the taxes, fees, and assessments provided for in subsection (a) of  
297 this section subsequent to the report of the assessed taxable values for the current calendar  
298 year and shall notify in writing the collecting governing body so it may include the levy on  
299 its regular ad valorem tax bills.

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

304

**SECTION 7.**

305

Boundaries of the districts.

306 (a) The boundaries of each district shall be as designated as such by the governing body  
 307 of the City of Jefferson and shall lie wholly within the incorporated area of the City of  
 308 Jefferson as set forth in the resolutions required in Section 4 of this Act, or as may thereafter  
 309 be added as provided in this Act.

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

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

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

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

322 (4) The adoption of a resolution consenting to the annexation by the governing body of  
 323 the City of Jefferson.

324

**SECTION 8.**

325

Debt.

326 Each district may incur debt without regard to the requirements of Article IX, Section V, of  
 327 the Constitution of Georgia, or any other provision of law prohibiting or restricting the  
 328 borrowing of money or the creation of debt by political subdivisions of the State of Georgia,  
 329 and the debt shall be backed by the full faith, credit, and taxing power of the district, but shall  
 330 not be an obligation of the State of Georgia, the City of Jefferson, or any other unit of  
 331 government of the State of Georgia other than the district.

332

**SECTION 9.**

333

Cooperation with local governments.

334 The services and facilities provided pursuant to this Act shall be provided for in a  
 335 cooperation agreement executed jointly by the board and the governing body of the City of

336 Jefferson. If the parties to the cooperation agreement so agree, the cooperation agreement  
 337 may provide that such private persons as are designated by the district perform the actual  
 338 construction or improvement of the services and facilities provided by the district. The  
 339 provisions of this section shall in no way limit the authority of the City of Jefferson to  
 340 provide services or facilities within the district; and the City of Jefferson shall retain full and  
 341 complete authority and control over any of its facilities located within its respective areas of  
 342 any district. Such control shall include, but not be limited to, the modification of, access to,  
 343 and degree and type of services provided through or by facilities of the municipality.  
 344 Nothing contained in this section shall be construed to limit or preempt the application of any  
 345 governmental laws, ordinances, resolutions, or regulations to the district or the services or  
 346 facilities provided within the district.

### 347 **SECTION 10.**

#### 348 Powers.

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

- 352 (1) To bring and defend actions;
- 353 (2) To adopt and amend a corporate seal;
- 354 (3) To make and execute contracts, agreements, and other instruments necessary or  
 355 convenient to exercise the powers of the board or to further the public purposes for which  
 356 the district is created, including, but not limited to, contracts for construction of projects,  
 357 leases of projects, contracts for sale of projects, agreements for loans to finance projects,  
 358 contracts with respect to the use of projects, and agreements with other jurisdictions or  
 359 community improvement districts regarding multijurisdictional projects or services or for  
 360 other cooperative endeavors to further the public purposes of the district;
- 361 (4) To acquire by purchase, lease, or otherwise, and to hold, lease, and dispose of real  
 362 and personal property of every kind and character, or any interest therein, in furtherance  
 363 of the public purposes of the district;
- 364 (5) To finance by loan, grant, lease, or otherwise, and to construct, erect, assemble,  
 365 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,  
 366 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the  
 367 cost of any project from the proceeds of bonds, notes, or other obligations of the district  
 368 or any other funds of the district, or from any contributions or loans by persons,  
 369 corporations, partnerships, whether limited or general, or other entities, all of which the  
 370 board is authorized to receive, accept, and use;

- 371 (6) To borrow money to further or carry out its public purposes and to execute bonds,  
372 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale  
373 of its bonds, notes, or other obligations, loan agreements, security agreements,  
374 assignments, and such other agreements or instruments as may be necessary or desirable,  
375 in the judgment of the board, to evidence and to provide security for such borrowing;
- 376 (7) To issue bonds, notes, or other obligations of the district and use the proceeds thereof  
377 for the purpose of paying all or any part of the cost of any project and otherwise to further  
378 or carry out the public purposes of the district and to pay all costs of the board incidental  
379 to, or necessary and appropriate to, furthering or carrying out such purposes;
- 380 (8) To make application directly or indirectly to any federal, state, county, or municipal  
381 government or agency or to any other source, whether public or private, for loans, grants,  
382 guarantees, or other financial assistance in furtherance of the district's public purposes  
383 and to accept and use the same upon such terms and conditions as are prescribed by such  
384 federal, state, county, or municipal government or agency or other source;
- 385 (9) To enter into agreements with the federal government or any agency thereof to use  
386 the facilities or services of the federal government or any agency thereof in order to  
387 further or carry out the public purposes of the district;
- 388 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, state  
389 institutions, or any municipal corporation, county, or political subdivision of this state for  
390 the use by the district of any facilities or services of the state or any such state institution,  
391 municipal corporation, county, or political subdivision of this state, or for the use by any  
392 state institution or any municipal corporation, county, or political subdivision of the state  
393 of any facilities or services of the district, provided that such contracts shall deal with  
394 such activities and transactions as the district and any such political subdivision with  
395 which the district contracts are authorized by law to undertake;
- 396 (11) To issue notes, from time to time, whenever bonds of the district have been  
397 validated as provided in this Act, and to renew, from time to time, any such notes by the  
398 issuance of new notes, whether the notes to be renewed have or have not matured. The  
399 district may issue notes only to provide funds which would otherwise be provided by the  
400 issuance of the bonds as validated. The notes may be authorized, sold, executed, and  
401 delivered in the same manner as bonds. As with its bonds, the district may sell such notes  
402 at a public or private sale. Any resolution or resolutions authorizing notes of the district  
403 or any issue thereof may contain any provisions which the district is authorized to include  
404 in any such resolutions; and the district may include in any notes any terms, covenants,  
405 or conditions which it is authorized to include in any bonds. Validation of such bonds  
406 shall be a condition precedent to the issuance of the notes, but it shall not be required that  
407 such notes be judicially validated. Bond anticipation notes shall not be issued in an

- 408 amount exceeding the par value of the bonds in anticipation of which they are to be  
409 issued;
- 410 (12) To grant, mortgage, convey, assign, or pledge its property, revenues or taxes, fees,  
411 or assessments to be received as security for its bonds, notes, or other indebtedness and  
412 obligations;
- 413 (13) To invest its funds, whether derived from the issuance of its bonds or otherwise, in  
414 such manner as it may deem prudent and appropriate, without further restriction;
- 415 (14) To receive and use the proceeds of any tax levied by any county or any municipal  
416 corporation to pay the costs of any project or for any other purpose for which the board  
417 may use its own funds pursuant to this Act;
- 418 (15) To receive and administer gifts, grants, and devises of money and property of any  
419 kind and to administer trusts;
- 420 (16) To use any real property, personal property, or fixtures, or any interest therein, or  
421 to rent or lease such property to or from others or make contracts with respect to the use  
422 thereof, or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or  
423 grant options for any such property in any manner for the advantage of the district and  
424 the public purposes thereof;
- 425 (17) To appoint, select, and employ engineers, surveyors, architects, urban or city  
426 planners, fiscal agents, attorneys, and others, and to fix their compensation and pay their  
427 expenses;
- 428 (18) To encourage and promote the improvement and development of the district and to  
429 make, contract for, or otherwise cause to be made long-range plans or proposals for the  
430 district in cooperation with the City of Jefferson;
- 431 (19) To adopt bylaws governing the conduct of business by the board, the election and  
432 duties of officers of the board, and other matters as the board considers appropriate for  
433 the bylaws;
- 434 (20) To exercise any power granted by the laws of this state to public or private  
435 corporations which is not in conflict with the public purposes of the district; and
- 436 (21) To do all things necessary or convenient to carry out the powers conferred by this  
437 Act.
- 438 (b) The powers enumerated in this section are cumulative of and in addition to those powers  
439 enumerated elsewhere in this Act; and no such power shall limit or restrict any other power  
440 of the board.

441

**SECTION 11.**

442

Bonds - generally.

443 (a) Notes or other obligations issued by a district, other than general obligation bonds, shall  
444 be paid solely from the property pledged to pay such notes or other obligations. General  
445 obligation bonds issued by any district shall constitute a general obligation of the district to  
446 the repayment of which the full faith, credit, and taxing power of the district shall be pledged,  
447 subject to the power of the district to tax only in accordance with any limitations established  
448 by the project specifications.

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

451 (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time  
452 or times but not more than 40 years from their respective dates, shall bear interest at such rate  
453 or rates which may be fixed or may fluctuate or otherwise change from time to time, shall  
454 be subject to redemption on such terms, and shall contain such other terms, provisions,  
455 covenants, assignments, and conditions as the resolution authorizing the issuance of such  
456 bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants,  
457 assignments, and conditions contained in or provided or permitted by any resolution of the  
458 board authorizing the issuance of such bonds, notes, or other obligations shall bind the board  
459 members of the district then in office and their successors. The provisions of any such  
460 resolution or resolutions shall be a contract with every holder of such bonds, notes, or other  
461 obligations, and the duties of the district, the board, and the officers of the district under any  
462 such resolution or resolutions shall be enforceable by any holder of such bonds, notes, or  
463 other obligations by mandamus or other appropriate action or proceeding at law or in equity.

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

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

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

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

485 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear, and the  
 486 principal amount and maturities of such bonds, the notice to the district attorney or the  
 487 Attorney General, and the notice to the public of the time, place, and date of the validation  
 488 hearing, and the petition and complaint for validation may state that the bonds when issued  
 489 will bear interest at a rate not exceeding a maximum per annum rate of interest, which may  
 490 be fixed or may fluctuate or otherwise change from time to time, and that the principal  
 491 amount will not exceed and the final maturity date will not be later than as specified in such  
 492 notices and petition and complaint; or the notice or notices may state that, in the event the  
 493 bonds are to bear different rates of interest for different maturity dates, none of such rates  
 494 will exceed the maximum rate, which may be fixed or may fluctuate or otherwise change  
 495 from time to time, so specified; provided, however, that nothing in this section shall be  
 496 construed as prohibiting or restricting the right of a board to sell such bonds at a discount,  
 497 even if in doing so, the effective interest cost resulting therefrom would exceed the maximum  
 498 per annum interest rate specified in such notices and in the petition and complaint.

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

## 503 **SECTION 12.**

504 Authorized contents of agreements and instruments of the board generally; use of  
 505 proceeds of sale of bonds, notes, and other obligations; subsequent  
 506 issues of bonds, notes, and other obligations.

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

510 (b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by  
 511 a district shall be held and used for the ultimate purpose of paying, directly or indirectly as

512 permitted by this Act, all or part of the cost of any project, or for the purpose of refunding  
513 any bonds, notes, or other obligations issued in accordance with this Act.

514 (c) Issuance by a board of one or more series of bonds, notes, or other obligations for one  
515 or more purposes shall not preclude it from issuing other bonds, notes, or obligations in  
516 connection with the same project or with any other project; but the proceeding wherein any  
517 subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior  
518 loan agreement, security agreement, or other agreement or instrument made for any prior  
519 issue of bonds, notes, or other obligations, unless, in the resolution authorizing such prior  
520 issue, the right is expressly reserved to the board to issue subsequent bonds, notes, or other  
521 obligations on a parity with such prior issue.

522 **SECTION 13.**

523 Construction; notice, proceeding, publication, referendum.

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

527 **SECTION 14.**

528 Dissolution.

529 Any district activated under the provisions of this Act may be dissolved. So long as a district  
530 has no debt outstanding, the board of a district may terminate and dissolve the district as of  
531 a certain date, and on such date all property, rights, and obligations of the district shall  
532 devolve to the City of Jefferson.

533 **SECTION 15.**

534 Severability.

535 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared  
536 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other  
537 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full  
538 force and effect as if the section, subsection, sentence, clause, or phrase so declared or  
539 adjudged invalid or unconstitutional were not originally a part of this Act. The General  
540 Assembly declares that it would have passed the remaining parts of this Act if it had known  
541 that such part or parts of this Act would be declared or adjudged invalid or unconstitutional.



542 **SECTION 16.**

543 Effective date.

544 This Act shall become effective upon its approval by the Governor or upon its becoming law  
545 without such approval.

546 **SECTION 17.**

547 Repealer.

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