

House Bill 807 (AS PASSED HOUSE AND SENATE)

By: Representatives Spencer of the 180<sup>th</sup> and Corbett of the 174<sup>th</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 St. Marys; 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 said districts; to provide for the  
4 appointment and election of members of such boards; to provide for taxes, fees, and  
5 assessments; to provide for the boundaries of such districts; to provide for bonded  
6 indebtedness; to provide for cooperation with local governments; to provide for powers of  
7 such boards; to provide for construction; to provide that no notice, proceeding, publication,  
8 or referendum shall be required; to provide for dissolution; to provide the procedures  
9 connected with all of the foregoing; to provide for severability; to provide for an effective  
10 date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 style="text-align:center">Short title

14 This Act shall be known and may be cited as the "City of St. Marys Community  
15 Improvement Districts Act of 2018."

16 style="text-align:center">**SECTION 2.**

17 style="text-align:center">Purpose

18 The purpose of this Act shall be to provide for the creation of one or more community  
19 improvement districts within the City of St. Marys, and such districts shall be created for the  
20 provision of such of the following governmental services and facilities as may be provided  
21 for in the resolution activating each district created hereby, or as may be adopted by  
22 resolution of the majority of the electors and the majority of the equity electors as defined  
23 in this Act:

- 24 (1) Street and road construction and maintenance, including curbs, sidewalks, street  
 25 lights, and devices to control the flow of traffic on streets and roads;  
 26 (2) Parks and recreational areas and facilities;  
 27 (3) Storm water and sewage collection and disposal systems;  
 28 (4) Development, storage, treatment, purification, and distribution of water;  
 29 (5) Public transportation;  
 30 (6) Terminal and dock facilities and parking facilities; and  
 31 (7) Such other services and facilities as may be provided for by general law.

### 32 SECTION 3.

#### 33 Definitions

34 As used in this Act, the term:

- 35 (1) "Agricultural" means the growing of crops for sale or the raising of animals for sale  
 36 or use, including the growing of field crops, fruit or nut trees, the raising of livestock or  
 37 poultry, and the operation of dairies, horse boarding facilities, and riding stables.  
 38 (2) "Board" means the governing body created for the governance of each community  
 39 improvement district authorized by this Act.  
 40 (3) "Bonds" or "general obligation bonds" means any bonds of a district which are  
 41 authorized to be issued under the Constitution and laws of Georgia, including refunding  
 42 bonds, but not including notes or other obligations of a district.  
 43 (4) "Cost of the project" or "cost of any project" means and includes:  
 44 (A) All costs of acquisition by purchase or otherwise, construction, assembly,  
 45 installation, modification, renovation, or rehabilitation incurred in connection with any  
 46 project or any part of any project;  
 47 (B) All costs of real property, fixtures, or personal property used in or in connection  
 48 with or necessary for any project or for any facilities related thereto, including, but not  
 49 limited to, the costs of all land, estates for years, easements, rights, improvements,  
 50 water rights, connections for utility services, fees, franchises, permits, approvals,  
 51 licenses, and certificates; the costs of securing any such franchises, permits, approvals,  
 52 licenses, or certificates; the cost of preparation of any application therefor; and the cost  
 53 of all fixtures, machinery, equipment, including all transportation equipment and rolling  
 54 stock, furniture, and other property used in or in connection with or necessary for any  
 55 project;  
 56 (C) All interest and other financing charges and loan fees and all interest on bonds,  
 57 notes, or other obligations of a district which accrue or are paid prior to and during the

58 period of construction of a project and during such additional period as the board may  
59 reasonably determine to be necessary to place such project in operation;

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

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

64 (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust  
65 agreement, indenture of trust, or similar instrument or agreement; all expenses incurred  
66 by any such fiscal agents, paying agents, and trustees; and all other costs and expenses  
67 incurred relative to the issuance of any bonds, notes, or other obligations for any  
68 project;

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

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

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

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

75 (K) Administrative expenses of the board and such other expenses as may be necessary  
76 for or incidental to any project or the financing thereof or the placing of any project in  
77 operation; and

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

84 Any costs, obligation, or expenses incurred for any of the foregoing purposes shall be a  
85 part of the cost of the project and may be paid or reimbursed as such out of the proceeds  
86 of bonds, notes, or other obligations issued by the district.

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

93 (6) "Electors" means the owners of real property used nonresidentially within the district  
94 which is subject to taxes, fees, and assessments levied by the board, as they appear on the

95 most recent ad valorem real property tax return records of the City of St. Marys, or one  
96 officer or director of a corporate elector, one trustee of a trust which is an elector, one  
97 partner of a partnership elector, or one designated representative of an elector whose  
98 designation is made in writing. An owner of property that is subject to taxes, fees, or  
99 assessments levied by the board shall have one vote for an election based on majority.  
100 An owner of multiple parcels shall have one vote, not one vote per parcel, for an election  
101 based on numerical majority. Multiple owners of one parcel shall have one vote for an  
102 election based on numerical majority which shall be cast by one of their number who is  
103 designated in writing.

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

119 (8) "Equity electors" means the electors who cast votes equal to \$1,000.00 value of all  
120 owned real property within the district which is then subject to taxes, fees, and  
121 assessments levied by the board. The value of real property shall be the assessed value.  
122 In the event the owner is a corporation, trust, partnership, multiple owners, or any other  
123 entity, one person shall be designated as elector, and such designation shall be made in  
124 writing.

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

131 (10) "Project" means the acquisition, construction, installation, modification, renovation,  
 132 or rehabilitation of land, interests in land, buildings, structures, facilities, or other  
 133 improvements, located or to be located within the district or otherwise providing service  
 134 to the district and the acquisition, installation, modification, renovation, rehabilitation,  
 135 or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature  
 136 whatsoever used on, in, or in connection with any such land, interest in land, building,  
 137 structure, facility, or other improvement; the creation, provision, enhancement, or  
 138 supplementing of public services, such as fire, police, and other services, provided that  
 139 same do not conflict with or duplicate existing public services; and all for the essential  
 140 public purposes set forth in Section 2 of this Act.

141 (11) "Property owner" or "owner of real property" means any entity or person shown as  
 142 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax  
 143 records of Camden County within the district as certified by the Camden County Tax  
 144 Commissioner. Ownership as shown by the most recent ad valorem real property tax  
 145 records of the City of St. Marys shall be prima-facie proof of ownership. Multiple  
 146 owners of one parcel shall constitute one property owner and shall designate in writing  
 147 one of their number to represent the whole.

148 (12) "Property used nonresidentially" means property or any portion thereof used for  
 149 neighborhood shopping, planned shopping center, general commercial, transient lodging  
 150 facilities, tourist services, office or institutional, office services, light industry, heavy  
 151 industry, central business district parking, or other commercial or business use or vacant  
 152 land zoned or approved for any uses listed in this paragraph which does not include  
 153 residential.

154 (13) "Residential" means a specific work or improvement undertaken primarily to  
 155 provide single-family or multifamily dwelling accommodation for persons and families  
 156 and such community facilities as may be incidental or appurtenant thereto.

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

#### 161 **SECTION 4.**

#### 162 **Creation**

163 (a) Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is  
 164 created one or more community improvement districts to be located wholly within the  
 165 incorporated area of the City of St. Marys, each of which shall be activated upon compliance

166 with the conditions set forth in this Act. Each district shall be governed by a board as  
 167 constituted by this Act. The conditions for such activations shall be:

168 (1) The adoption of a resolution consenting to the creation of each community  
 169 improvement district by the governing authority of the City of St. Marys; and

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

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

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

177 (b) The written consent provided for in subsection (a) of this section shall be submitted to  
 178 the tax commissioner having jurisdiction over the City of St. Marys, who shall certify  
 179 whether subparagraphs (a)(2)(A) and (a)(2)(B) of this section have been satisfied with  
 180 respect to each such proposed district.

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

## 186 **SECTION 5.**

### 187 Administration, appointment, and 188 election of board members

189 Each district created pursuant to this Act shall be administered by a board appointed by the  
 190 mayor and council of the City of St. Marys. The composition of the board shall be specified  
 191 in each resolution creating the respective district.

## 192 **SECTION 6.**

### 193 Taxes, fees, and assessments

194 (a) The board may levy taxes, fees, and assessments within the district only on real property  
 195 used nonresidentially, specifically excluding all property exempt from ad valorem taxation  
 196 under the Constitution or laws of the State of Georgia; all property used for residential,  
 197 agricultural, or forestry purposes; and all tangible personal property and intangible property.  
 198 Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed

199 value of all such real property. The taxes, fees, and assessments levied by the board shall be  
 200 equitably apportioned among the properties subject to such taxes, fees, and assessments  
 201 according to the need for governmental services and facilities created by the degree of  
 202 density of development of each such property. The proceeds of taxes, fees, and assessments  
 203 levied by the board shall be used only for the purposes as described in Section 2 of this Act  
 204 which are specially required by the degree of density of development within the district and  
 205 not for the purposes of providing those governmental services and facilities provided to the  
 206 county or municipality as a whole. Any tax, fees, or assessment so levied shall be collected  
 207 by the City of St. Marys in the same manner as taxes, fees, and assessments are levied by the  
 208 City of St. Marys. Delinquent taxes shall bear the same interest and penalties as the City of  
 209 St. Marys or municipal ad valorem taxes and may be enforced and collected in the same  
 210 manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs  
 211 of collection not to exceed 1 percent of such proceeds, than shall be transmitted by the City  
 212 of St. Marys to the board and shall be expended by the board only for the purposes  
 213 authorized by this Act.

214 (b) The board shall levy the taxes, fees, and assessments in subsection (a) of this section  
 215 subsequent to the report of the assessed taxable values for the current calendar year and  
 216 notify in writing the collecting governing bodies so they may include the levy on their  
 217 regular ad valorem tax bills. All taxes, fees, and assessments levied by the board and  
 218 collected by the City of St. Marys shall be segregated, and neither the City of St. Marys nor  
 219 the Camden County Tax Commissioner shall expend such funds for any purpose not  
 220 authorized by the board except as authorized in subsection (a) of this section.

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

## 225 **SECTION 7.**

### 226 Boundaries of the district

227 (a) The boundaries of each district shall be as designated as such by the governing authority  
 228 of the City of St. Marys as set forth in the resolution required in Section 4 of this Act, or as  
 229 may thereafter be added as provided in this Act.

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

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

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

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

241 (4) The adoption of a resolution consenting to the annexation by the governing body of  
 242 the City of St. Marys.

### 243 **SECTION 8.**

#### 244 Debt

245 Each district may incur debt without regard to the requirements of Article IX, Section V of  
 246 the Constitution of Georgia, or any other provision of law, prohibiting or restricting the  
 247 borrowing of money or the creation of debt by political subdivisions of the State of Georgia,  
 248 which debt shall be backed by the full faith and credit and taxing power of the district. All  
 249 debt shall not be an obligation of the State of Georgia, the City of St. Marys, or any other unit  
 250 of government of the State of Georgia other than the district.

### 251 **SECTION 9.**

#### 252 Cooperation with local governments

253 The services and facilities provided pursuant to this Act shall be provided for in a  
 254 cooperation agreement executed jointly by the board and the governing body of the City of  
 255 St. Marys. The provisions of this section shall in no way limit the authority of Camden  
 256 County or the City of St. Marys to provide services or facilities within the district; and  
 257 Camden County and the City of St. Marys shall retain full and complete authority and control  
 258 over any of its facilities located within its respective areas of any district. Said control shall  
 259 include, but not be limited to, the modification of, access to, and degree and type of services  
 260 provided through or by facilities within the district; and Camden County and the City of St.  
 261 Marys shall retain full and complete authority and control over any of its facilities located  
 262 within its respective areas of any district. Said control shall include, but not limited to, the  
 263 modification of, access to, and degree and type of services provided through or by facilities  
 264 of the city. Nothing contained in this section shall be construed to limit or preempt the



265 application of any governmental laws, ordinances, resolutions, or regulations to the district  
 266 or the services or facilities provided therein.

267 **SECTION 10.**

268 Powers

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

272 (1) To bring and defend actions;

273 (2) To adopt and amend a corporate seal;

274 (3) To make and execute contracts, agreements, and other instruments necessary or  
 275 convenient to exercise the powers of the board or to further the public purposes for which  
 276 the district is created, including, but not limited to, contracts for construction of projects,  
 277 leases of projects, contracts for sale of projects, agreements for loans to finance projects,  
 278 contracts with respect to the use of projects, and agreements with other jurisdictions or  
 279 community improvement districts regarding multijurisdictional projects or services or for  
 280 other cooperative endeavors to further the public purposes of the district;

281 (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and  
 282 personal property of every kind and character, or any interest therein, in furtherance of  
 283 the public purposes of the district.

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

291 (6) To borrow money to further or carry out its public purposes and to execute bonds,  
 292 notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale  
 293 of its bonds, notes or other obligations, loan agreements, security agreements,  
 294 assignments, and such other agreements or instruments as may be necessary or desirable,  
 295 in the judgments of the board, to evidence and to provide security for such borrowing;

296 (7) To issue bonds, notes, or other obligations of the district and use the proceeds for the  
 297 purpose of paying all or any part of the cost of any project and otherwise to further or  
 298 carry out the public purposes of the district and to pay all costs of the board incidental to,  
 299 or necessary and appropriate to, furthering or carrying out such purposes;

- 300 (8) To make application directly or indirectly to any federal, state or county government  
301 or agency or to any other source, whether public or private, for loans, grants, guarantees,  
302 or other financial assistance in furtherance of the district's public purposes and to accept  
303 and use the same upon such terms and conditions as are prescribed by such federal, state,  
304 or county government or agency or other source;
- 305 (9) To enter into agreements with the federal government or any agency thereof to use  
306 the facilities or services of the federal government or any agency thereof in order to  
307 further or carry out the public purposes of the district;
- 308 (10) To contract for any period, not exceeding 50 years, with the State of Georgia, state  
309 institutions, or any municipal corporation, county, or political subdivision of this state for  
310 the use by the district of any facilities or services of the state or any such state institution,  
311 municipal corporation, county, or political subdivision of this state of any facilities or  
312 services of the district, provided that such contracts shall deal with such activities and  
313 transactions as the district and any such political subdivision with which the district  
314 contracts are authorized by law to undertake;
- 315 (11) To receive and administer gifts, grants, and devises of money and property of any  
316 kind and to administer trusts;
- 317 (12) To use any real property, personal property, or fixtures or any interest therein or to  
318 rent or lease such property to or from others or make contracts with respect to the use  
319 thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or  
320 grant options for any such property in any manner as it deems to be the best advantage  
321 of the district and the public purposes thereof;
- 322 (13) To appoint, select, and employ engineers, surveyors, architects, urban or city  
323 planners, fiscal agents, attorneys, and others and to fix their compensation and pay their  
324 expenses;
- 325 (14) To encourage and promote the improvement and development of the district and to  
326 make, contract for, or otherwise cause to be made long-range plans or proposals for the  
327 district in cooperation with the City of St. Marys;
- 328 (15) To adopt bylaws governing the conduct of business by the board, the election and  
329 duties of officers of the board, and other matters which the board determines to deal with  
330 in its bylaws;
- 331 (16) To exercise any power granted by the laws of this state to public or private  
332 corporations which is not in conflict with the public purposes of the district;
- 333 (17) To invest its funds, whether derived from the issuance of bonds or otherwise, in  
334 such a manner as it may deem prudent and appropriate, without further restriction;
- 335 (18) To do all things necessary or convenient to carry out the powers conferred by this  
336 section; and

337 (19) To provide for all such services and facilities as noted in Section 2 of this Act.

338 (b) The powers enumerated in this section shall be cumulative of and in addition to those  
339 powers enumerated elsewhere in this Act; and no such power shall limit or restrict any other  
340 power of the board.

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

## 344 **SECTION 11.**

### 345 Bonds-generally

346 (a) Notes or other obligations issued by a district, other than general obligation bonds, may  
347 be paid solely from the property pledged to pay such notes or other obligations or may  
348 constitute general obligations of the district to the repayment of which the full faith and  
349 credit and taxing power of the district shall be pledged. General obligation bonds issued by  
350 any district shall constitute a general obligation of the district to the repayment of which the  
351 full faith and credit and taxing power of the district shall be pledged.

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

354 (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time  
355 or times not more than 40 years from their respective dates, shall bear interest at such rate  
356 or rates which may be fixed or may fluctuate or otherwise change from time to time, shall  
357 be subject to redemption on such terms, and shall contain such other terms, provisions,  
358 covenants, assignments, and conditions as the resolution authorizing the issuance of such  
359 bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants,  
360 assignments, and conditions contained in or provided or permitted by any resolution of the  
361 board authorizing the issuance of such bonds, notes, or other obligations shall bind the board  
362 members of the district then in office and their successors.

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

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

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

376 (g) All bonds issued by a district pursuant to this Act shall be validated under and in  
377 accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond  
378 Law," or in accordance with such other successor provision governing bond validation  
379 generally as may be provided by law. The signature of the clerk of the Superior Court of  
380 Camden County may be made on the certificate of validation of such bonds by facsimile or  
381 by manual execution, stating the date on which such bonds were validated; and such entry  
382 shall be original evidence of the fact of judgment and shall be received as original evidence  
383 in any court in this state.

384 (h) In lieu of specifying the rate or rates of interest which such bonds are to bear, and the  
385 principal amount and maturities of such bonds, the notice to the district attorney or the  
386 Attorney General, the notice to the public of the time, place, and date of validation, hearing,  
387 and the petition and complaint for validation may state that the bonds when issued will bear  
388 interest at a rate not exceeding a maximum per annum rate of interest, which may be fixed  
389 or may fluctuate or otherwise change from time to time, and that the principal amount will  
390 not exceed and the final maturity date will not be later than as specified in such notices,  
391 petition, and complaint or may state that, in the event the bonds are to bear different rates of  
392 interest for different maturity dates, none of such rates will exceed the maximum rate which  
393 may be fixed or may fluctuate or otherwise change from time to time so specified; provided,  
394 however, that nothing in this section shall be construed as prohibiting or restricting the right  
395 of a board to sell such bonds at a discount, even if in doing so the effective interest cost  
396 resulting would exceed the maximum per annum interest rate specified in such notices and  
397 in the petition and complaint.

398 (i) The terms "cost of the project" and "cost of any project" shall have the meaning  
399 prescribed in this Act whenever those terms are referred to in bond resolutions of a board,  
400 in bonds, notes, or other obligations of the district, or in notices or proceeding to validate  
401 such bonds, notes, or other obligations of a district.

402 **SECTION 12.**

403 Authorized contents of agreement and instruments;  
 404 use of proceeds of sale bonds, notes, and other obligations;  
 405 subsequent issues of obligations

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

409 (b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by  
 410 a district shall be held and used for the ultimate purpose of paying, directly or indirectly as  
 411 permitted by this Act, all or part of the cost of any project, or for the purposes of refunding  
 412 any bonds, notes, or other obligations issued in accordance with this Act.

413 (c) Issuance by a board of one or more series of bonds, notes, or other obligations for one  
 414 or more purposes shall not preclude it from issuing other bonds, notes, or other obligations  
 415 in connection with the same project or with any other projects; but the proceeding wherein  
 416 any subsequent bonds, notes, or other obligations are issued shall recognize and protect any  
 417 prior loan agreement, security agreement, or other agreement or instrument made for any  
 418 prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such  
 419 prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or  
 420 other obligations on a parity with such prior issue.

421 (d) In the event that any district is terminated in accordance with this Act, the board shall  
 422 serve until December 31 of the year in which termination is approved for the purpose of  
 423 concluding any ongoing matters and projects, but, if such cannot be concluded by December  
 424 31, then the governing authority of the City of St. Marys shall assume the duties of the  
 425 administrative board and shall be expressly authorized to exercise the authority of the  
 426 administrative board.

427 **SECTION 13.**

428 Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A.;  
 429 notice, proceeding, publication, referendum

430 This Act shall be liberally construed to effect the purposes hereof. The offer, sale, or  
 431 issuance of bonds, notes, or other obligations by a district shall not be subject to regulation  
 432 under Chapter 5 of Title 10 of the O.C.G.A. No notice, proceeding, or publication except  
 433 those required hereby or by law shall be necessary to the performance of any act authorized  
 434 hereby, nor shall any such act be subject to referendum.

435

**SECTION 14.**

436

## Dissolution

437 (a) Any district activated under the provisions of this Act may be dissolved. The conditions  
438 for such dissolution shall be:

439 (1) The adoption of a resolution approving of the dissolution of each community  
440 improvement district by the governing body of the City of St. Marys; and

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

442 (A) Two-thirds of the owners of real property within the district which are subject to  
443 taxes, fees, and assessments levied by the board of the district; and

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

448 The written consent provided for in this paragraph shall be submitted to the tax  
449 commissioner having jurisdiction over the City of St. Marys who shall certify whether  
450 subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each  
451 proposed district dissolution.

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

457 (c) Upon a successful dissolution action, all noncash assets of the district other than public  
458 facilities or land or easements to be used for such public facilities, as described in Section 2  
459 of this Act, shall be reduced to cash, and, along with all other cash on hand, shall be applied  
460 to the repayment of any debt obligations of the district. Any cash remaining after all  
461 outstanding obligations are satisfied shall be refunded to the City of St. Marys.

462 (d) When a dissolution becomes effective, the city governing authority shall take title to all  
463 property previously in the ownership of the district, and all taxes, fees, and assessments of  
464 the district shall cease to be levied and collected.

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

466 **SECTION 15.**

467 Severability

468 In the event any section, subsection, sentence, clause, or phrase of this Act is declared or  
469 adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other  
470 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full  
471 force and effect as if the section, subsection, sentence, clause, or phrase so declared or  
472 adjudged invalid or unconstitutional were not originally a part hereof. The General  
473 Assembly declares that it would have passed the remaining parts of this Act if it had known  
474 that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

475 **SECTION 16.**

476 Effective date

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

479 **SECTION 17.**

480 Repealer

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