

House Bill 1414

By: Representatives Hilton of the 48<sup>th</sup> and Romman of the 97<sup>th</sup>

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

**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.



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**SECTION 5.**

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Administration, appointment, and election of board members.

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(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:

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(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.

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(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

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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.

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**SECTION 6.**

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Taxes, fees, and assessments.

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(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.

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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

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equitably apportioned among the properties subject to such taxes, fees, and assessments

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according to the need for governmental services and facilities created by the degree of

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density of development of each such property. The proceeds of taxes, fees, and assessments

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levied by the board shall be used only for the purpose of providing governmental services

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and facilities which are specially required by the degree of density of development within the

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district and not for the purpose of providing those governmental services and facilities

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provided to the municipality as a whole. Any tax, fee, or assessment so levied shall be

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collected by either the Gwinnett County tax commissioner or the City of Peachtree Corners

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in the same manner as taxes, fees, and assessments are levied by either Gwinnett County or

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the City of Peachtree Corners. Delinquent taxes shall bear the same interest and penalties

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as either Gwinnett County or the City of Peachtree Corners ad valorem taxes and may be

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enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so

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levied, less a fee to cover the costs of collection of 1 percent thereof, but not more than

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\$25,000.00 in any one calendar year, shall be transmitted by either the Gwinnett County tax

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commissioner or the City of Peachtree Corners to the board and shall be expended by the

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board only for the purposes authorized hereby.

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(b) The board shall levy the taxes provided for in subsection (a) of this section subsequent

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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.