

House Bill 222

By: Representative Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

1 To repeal an Act creating a new charter for the Town of Pendergrass, approved
2 December 30, 1890 (Ga. L. 1890-91, Vol. II, p. 681), as amended; to provide for transfer of
3 duties and obligations to Jackson County; to provide for transfer of all legal rights, privileges,
4 and assets to Jackson County; to establish a special tax and service district for outstanding
5 bonded indebtedness and other obligations; to provide for transfer of all federal and state
6 permits and licenses; to provide for the transfer of ongoing judicial actions; to provide for
7 the continuation of zoning and land use regulations; to provide for future proceeds of special
8 and regular local option sales taxes; to provide for related matters; to repeal conflicting laws;
9 and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating a new charter for the Town of Pendergrass, approved December 30, 1890
13 (Ga. L. 1890-91, Vol. II, p. 681), as amended, is hereby repealed in its entirety.

14 **SECTION 2.**

15 Jackson County, Georgia, shall be vested with full authority to provide all governmental
16 services within that area comprising the former jurisdictional boundary of the City of
17 Pendergrass. All ordinances, rules, and regulations of Jackson County shall apply within that
18 area as they do in other unincorporated areas of the county and the appropriate courts of
19 Jackson County shall have jurisdiction to enforce such ordinances; provided that this
20 transition shall not impact any vested rights accrued prior to the effective date of this Act.

21 **SECTION 3.**

22 Upon the effective date of this Act, the existence of any local authority created by or for the
23 City of Pendergrass shall likewise terminate on the same date; provided, however, that any
24 joint authority of which the City of Pendergrass was a part shall be modified by operation of
25 law to remove the City of Pendergrass, and that authority shall continue in existence with its
26 remaining members. The assets and liabilities of any authority terminated pursuant to this
27 section shall be treated in the same manner as assets and liabilities of the City of Pendergrass
28 under this Act.

29 **SECTION 4.**

30 There is hereby created a special tax and service district to be known as the Pendergrass
31 Services District which shall correspond to and be coterminous with the corporate limits of
32 the City of Pendergrass as those corporate limits existed on the effective date of this Act.
33 Upon the completion of the purposes provided in this Act for such service district, the tax
34 and service district may be abolished by resolution of the governing authority of Jackson
35 County.

36

SECTION 5.

37 (a) Except as provided herein, all legal rights, privileges, and assets of the City of
38 Pendergrass and all records of such assets shall pass to Jackson County without the
39 necessity or formality of a deed, bill of sale, or other instrument of transfer. The assets that
40 shall transfer include all real property assets of the City of Pendergrass of any nature,
41 including without limitation freehold estates, easements, life estates, future interests, and
42 co-owned interests; all tangible and intangible personal property assets of the City of
43 Pendergrass of any nature, including without limitation vehicles, heavy equipment, office
44 equipment, and software; all accounts receivable, rights to payment under contracts fully
45 performed by the City of Pendergrass, and similar financial assets of the City of
46 Pendergrass of any nature; and all digital and electronic papers and records of the City of
47 Pendergrass. Expressly excluded from this section are any rights or assets that derive from
48 executory contracts of the City of Pendergrass addressed in Section 6 of this Act.

49 (b) Those amounts in any general fund for the City of Pendergrass shall be immediately
50 transferred to the general fund of Jackson County and segregated by Jackson County for
51 the provision of services within the Pendergrass Services District.

52 (c) Those amounts in any special fund for the City of Pendergrass shall immediately be
53 transferred to a special fund of Jackson County and segregated by Jackson County for their
54 designated special purpose.

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SECTION 6.

56 (a) Except as specifically provided in this Act, neither Jackson County nor the State of
57 Georgia nor any political subdivision of the State of Georgia shall bear any responsibility
58 or liability for obligations, amounts, claims, debts, causes of action, judgments, or
59 liabilities that have accrued to the City of Pendergrass or its local public authorities, up to
60 and including the effective date of this Act. Nothing in this Act shall in any manner

61 obligate Jackson County to provide continued employment for any employee of the City
62 of Pendergrass or any local public authority of the city.

63 (b) Any bonded indebtedness of the City of Pendergrass shall become the debt and
64 obligation of the special tax and service district established pursuant to Section 4 of this
65 Act. Jackson County shall be the successor to the City of Pendergrass for all purposes
66 relating to such bonded indebtedness, including the enforcement of rights and remedies of
67 bondholders. The County shall be authorized but not required to levy a special district tax,
68 fee, or assessment within the Pendergrass Services District for the purpose of paying the
69 amounts due on such bonded debt.

70 (c) Other than those bonded debts provided for in subsection (b) of this section and
71 Section 11 of this Act, Jackson County shall be authorized but not required to assume the
72 rights and duties of any executory contract of the City of Pendergrass in effect as of the
73 effective date of this Act. If assumed, any rights and obligations of such contracts that by
74 their nature are personal to the city shall be deemed to apply to the personnel, services, and
75 assets formerly belonging to the city so as to reasonably fulfill the basic purpose and
76 bargain of the original contract. The county shall be authorized but not required to levy a
77 special district tax, fee, or assessment within the Pendergrass Services District for the
78 purpose of paying the amounts due under such assumed contracts, to the extent that the
79 financial obligations under such contract cannot be fully funded by funds and assets
80 devolved to the county from the City of Pendergrass.

81 (d) Financial assets and property devolved to Jackson County that are deemed by the
82 county to be excess for purposes of serving the Pendergrass Services District shall be used
83 to satisfy any obligations and retire any indebtedness of the City of Pendergrass.

84 **SECTION 7.**

85 To the maximum extent permitted by law, all federal and state permits and licenses issued
86 to the City of Pendergrass or its local authorities shall be transferred by operation of law to
87 Jackson County.

88 **SECTION 8.**

89 Notwithstanding any provisions of this Act to the contrary, on the effective date of this Act,
90 if any person is held in the custody of the City of Pendergrass Police Department, the staff
91 of the former City of Pendergrass Police Department shall have authority to retain law
92 enforcement custody until that person may be transferred over to the custody of the Jackson
93 County Sheriff's Office or other appropriate law enforcement agency.

94 **SECTION 9.**

95 All cases pending in the Pendergrass Municipal Court shall be automatically transferred to
96 the Jackson County Magistrate Court, or the appropriate court of competent jurisdiction in
97 Jackson County if jurisdiction does not lie in magistrate court. Any transfer of law
98 enforcement jurisdiction to Jackson County shall not in and of itself abate any pending
99 prosecution of any violation of any ordinance of the City of Pendergrass, and the county shall
100 be entitled to enforce such city ordinance if a violation occurred while the city ordinances
101 were in effect. As for any other lawsuits involving the City of Pendergrass in the Georgia
102 judicial system, the city shall cease to exist and therefore shall no longer be a proper party
103 to any legal action.

104 **SECTION 10.**

105 The zoning and land use regulations of the City of Pendergrass shall be deemed Jackson
106 County ordinances and shall apply within the Pendergrass Services District only, unless and

107 until Jackson County adopts zoning and land use regulations covering the properties within
108 the Pendergrass Services District.

109 **SECTION 11.**

110 Jackson County shall be entitled to receive the City of Pendergrass's share of proceeds of any
111 special purpose local option sales tax imposed pursuant to Article 3 of Chapter 8 of Title 48
112 of the O.C.G.A. and shall use those proceeds to complete the city projects authorized by the
113 applicable referendum or otherwise abandon the projects in accordance with general law. To
114 the extent that any intergovernmental agreement has been approved between Jackson County
115 and its qualified municipalities in connection with such special purpose local option sales tax,
116 the county shall the power to act in place of the city for purposes of that agreement.

117 **SECTION 12.**

118 Jackson County and its qualified municipalities shall divide the City of Pendergrass's share
119 of proceeds of any local option sales tax in accordance with the provisions of Code
120 Section 48-8-89.2 of the O.C.G.A.

121 **SECTION 13.**

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