

Senate Bill 377

By: Senators Jeffares of the 17th and VanNess of the 43rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide for the creation of one or more community improvement districts in Newton
2 County; to provide for a short title; to provide for the purposes of such district or districts;
3 to provide for definitions; to provide for a board to administer such district or districts; to
4 provide for appointment and election of members of such board or boards; to provide for
5 taxes, fees, and assessments; to provide for establishment of the boundaries of such district
6 or districts; to provide for a tax cap; to provide for the alteration of district boundaries and
7 the practices, procedures, and requirements related thereto; to provide for the debt of such
8 district or districts; to provide for cooperation with local governments; to provide for powers
9 of such boards; to provide for construction; to provide that no notice, proceeding,
10 publication, or referendum shall be required; to provide for dissolution; to provide the
11 procedures connected with all of the foregoing; to provide for related matters; to provide for
12 an effective date and for severability; to repeal conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**
15 Short title.

16 This Act shall be known and may be cited as the "Newton County Community Improvement
17 District Act."

18 **SECTION 2.**
19 Purpose.

20 The purpose of this Act is to provide for the creation of one or more community
21 improvement districts within Newton County, and such district or districts may be created
22 for the provision of some or all of the following governmental services and facilities as
23 provided and authorized by Article IX, Section VII of the Constitution of Georgia and the

24 resolution activating each district created hereby, or as may be adopted by resolutions of the
 25 majority of the electors and the majority of the equity electors voting at a caucus of electors,
 26 or hereafter amended or supplemented as provide for by law, including, but not limited to:

- 27 (1) Street and road construction and maintenance, including curbs, sidewalks, street
 28 lights, and devices and services to control the flow of traffic on streets and roads or
 29 services in connection therewith;
 30 (2) Parks and recreational areas, facilities, and services;
 31 (3) Storm water and sewerage collection and disposal systems;
 32 (4) Development, storage, treatment, purification, and distribution of water;
 33 (5) Public transportation, including, but not limited to, services intended to reduce the
 34 volume of automobile traffic, to transport two or more persons in conveyances, to
 35 improve air quality, and to provide bicycle and pedestrian facilities and the operation of
 36 a traffic management association or similar entity and services;
 37 (6) Terminal and dock facilities and parking facilities and services; and
 38 (7) Such other services and facilities as may be provided for by general law or as the
 39 Georgia Constitution may authorize or provide now or hereafter.

40 SECTION 3.

41 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 or fruit or nut trees, the raising of livestock
 45 or poultry, and the operation of dairies, horse-boarding facilities, and riding stables.
 46 (2) "Board" means the administrative body created for the governance of a community
 47 improvement district herein authorized.
 48 (3) "Caucus of electors" means a meeting of electors herein provided. A quorum at such
 49 caucus shall consist of those electors present. Notice of a caucus of electors shall be
 50 given by publishing notice thereof in the legal organ of Newton County at least once each
 51 week for four weeks prior to such caucus.
 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, in connection with,
 57 or necessary for any project or for any facilities related thereto, including, but not
 58 limited to, the cost of all land, estates for years, easements, rights, improvements, water

59 rights, 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
 62 fixtures, machinery, equipment (including all transportation equipment and rolling
 63 stock), furniture, and other property used in, in connection with, or necessary for any
 64 project;

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

69 (D) All costs of engineering, surveying, architectural, accounting, and legal services
 70 and all expenses incurred by engineers, surveyors, architects, accountants, and attorneys
 71 in connection with any project;

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

73 (F) All fees of fiscal agents, paying agents, and trustees under any trust agreement,
 74 indenture of trust, or similar instrument or agreement; all expenses incurred by any such
 75 fiscal agents, paying agents, and trustees; and all other costs and expenses incurred
 76 relative to the issuances of any notes or other obligations for any project;

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

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

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

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

83 (K) Administrative expenses of the board and such other expenses as may be necessary
 84 or incidental to any project, the financing thereof, or the placing of any project in
 85 operation; and

86 (L) The establishment of a fund or funds for the creation of a debt service reserve, a
 87 renewal and replacement reserve, or such other funds or reserves as the board may
 88 approve with respect to the financing and operation of any project and as may be
 89 authorized by any trust agreement, indenture of trust, or similar instrument or
 90 agreement pursuant to the provisions of which the issuance of any notes or other
 91 obligations of the district may be authorized.

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

95 (5) "District" means the contiguous geographical area designated as such by the
96 resolution of the governing body or bodies consenting to the creation of the community
97 improvement district or districts or as thereafter modified by any subsequent resolution
98 of the governing body or bodies within which the district is or is to be located, or a body
99 corporate and politic being a community improvement district created and activated
100 pursuant to this Act, as the context requires or permits.

101 (6) "Elector" means an owner of real property within the given district which is subject
102 to taxes, fees, and assessments levied by the board as it appears on the most recent ad
103 valorem real property tax return records of Newton County, or one officer or director of
104 a corporate elector, one trustee of a trust which is an elector, one partner of a partnership
105 elector, or one designated representative of an elector whose designation is made in
106 writing. An owner of property that is subject to taxes, fees, and assessments levied by
107 the board shall have one vote for an election based upon numerical majority. An owner
108 of multiple parcels has one vote, not one per parcel, for an election based on numerical
109 majority. Multiple owners of one parcel have one vote for an election based on numerical
110 majority which shall be cast by one representative who is designated in writing.

111 (7) "Equitably apportioned among the properties subject to such taxes, fees, and
112 assessments according to the need for governmental services and facilities created by the
113 degree of density of development of each such property," with reference to taxes, fees,
114 and assessments levied by the board, means that the burden of the taxes, fees, and
115 assessments shall be apportioned among the properties subject thereto based upon the
116 values established in the most recent ad valorem tax reassessment of such properties
117 certified by the Newton County Board of Tax Assessors.

118 (8) "Equity elector" means an elector who casts votes equal to each \$1,000.00 value of
119 all of its owned real property within the given district which is then subject to taxes, fees,
120 and assessments levied by the board.

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

127 (10) "Hereby," "herein," "hereunder," and "herewith" have the meanings generally
128 ascribed to these words.

129 (11) "Project" means the acquisition, construction, installation, modification, renovation,
130 or rehabilitation of land, interests in land, buildings, structures, facilities, or other
131 improvements, including operation of facilities or other improvements located or to be

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

140 (12) "Property owner" or "owner of real property" means any entity or person shown as
141 a taxpayer for one or more parcels of real estate on the most recent ad valorem tax
142 records of Newton County within the district, such record being declared prima-facie
143 proof of ownership.

144 (13) "Property used nonresidentially" means property or any portion thereof used for
145 neighborhood shopping, planned shopping centers, general commercial, transient lodging
146 facilities, tourist services, office or institutional, office services, light industry, heavy
147 industry, central business district, parking, or other commercial or business use, as well
148 as vacant land zoned or approved for any of the aforementioned uses which do not
149 include residential.

150 (14) "Residential" means a specific structure, work, or improvement undertaken
151 primarily to provide either single family or multifamily dwelling accommodations for
152 persons and families and such community facilities as may be incidental or appurtenant
153 thereto.

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

158 (16) "Value" or "assessed value" of property means the value established in the most
159 recent ad valorem tax reassessment of such property certified by the Newton County
160 Board of Tax Assessors.

161 **SECTION 4.**

162 **Creation.**

163 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 in Newton County,
165 Georgia, which shall be activated upon compliance with the conditions set forth in this
166 section. The conditions for such activation shall be:

167 (1) The adoption of a resolution consenting to the creation of each community
168 improvement district by:

169 (A) The governing authority of Newton County if the district is located wholly within
170 the unincorporated area of Newton County;

171 (B) The governing authority of the municipality if the district is located wholly within
172 the incorporated area of a municipality; or

173 (C) The governing authorities of Newton County and any municipality in which the
174 district is partially located if it is located partially within the unincorporated area of
175 Newton County and partially within the incorporated area of any municipality; and

176 (2) Written consent to the creation of the community improvement district by:

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

179 (B) The owners of real property within the given district which constitutes at least
180 75 percent by value of all real property within the district which will be subject to taxes,
181 fees, and assessments levied by the board. For this purpose, value shall be determined
182 by the most recent approved Newton County ad valorem tax digest.

183 The written consents provided for above shall be submitted to the Newton County tax
184 commissioner who shall certify whether subparagraphs (A) and (B) of this paragraph
185 have been satisfied with respect to each such proposed district. The district or districts
186 or respective board or boards created under this Act shall not transact any business or
187 exercise any powers under this Act until the foregoing conditions are met. A copy of
188 such resolutions shall be filed with the Secretary of State and the Department of
189 Community Affairs, which shall each maintain a record of all districts activated under
190 this Act.

191 **SECTION 5.**

192 Administration, appointment, and election of board members.

193 (a) Each district created pursuant to this Act shall be administered by a board composed of
194 a minimum of six board members to be appointed and elected as provided in this section.
195 One board member shall be appointed by the governing authority of Newton County to
196 Post 6. One board member shall be appointed by the governing authority of each
197 municipality, if any portion of the district lies within the incorporated area of such
198 municipality, to Post 7 by one municipality and to additional posts if there are multiple
199 municipalities. Three board members shall be elected by a numerical majority of the elector
200 votes to serve in Posts 1, 2, and 3 and two board members shall be elected by a majority of
201 the equity elector votes to serve in Posts 4 and 5. The initial term of office for the members

202 representing Posts 1, 3, and 5 shall be four years. The initial term of office for the members
203 representing Posts 2 and 4 shall be two years. The initial term of office for the board
204 member appointed to Post 6 shall be two years. The initial term of office for a board member
205 appointed by a municipality shall be four years. Thereafter, all terms of office shall be for
206 four years. Should a new election or appointment not occur prior to the expiration of the
207 aforementioned terms, the board member shall serve until a successor has been duly elected
208 or appointed as set forth in this section.

209 (b) The initial board members to be elected as provided in subsection (a) of this section shall
210 be elected in a caucus of electors which shall be held within 60 days after the adoption of the
211 resolutions consenting to the creation of the district, pursuant to the certification of the
212 Newton County Tax Commissioner of the written consents herein provided, at such time and
213 place within the district as the governing authority of Newton County, or governing body of
214 the municipality if the district lies wholly within the incorporated area thereof, shall
215 designate after notice thereof shall have been given to such electors by publishing the same
216 in the legal organ of Newton County as provided in this Act. Thereafter, there shall be
217 conducted biennially, not later than 60 days following the last day for filing ad valorem real
218 property tax returns in Newton County, a caucus of such electors at such time and place
219 within the district as the board shall designate in such notice for the purpose of electing board
220 members to those board member positions whose terms expire or are vacant. If a vacancy
221 occurs in an elected position on the board, the board shall, within 60 days thereof, call a
222 special election to fill the same to be held within 60 days of the call unless such vacancy
223 occurs within 180 days of the next regularly scheduled election, in which case a special
224 election may, but need not, be called.

225 (c) Elected board members shall be subject to recall by the vote of a caucus of electors, such
226 caucus being called by the board pursuant to a petition of either 20 percent of the electors
227 within the district or by a petition of holders of 20 percent of the eligible votes represented
228 by equity electors, provided that the petition shall be from the category of voters who elected
229 the board member to be subjected to a recall election.

230 (d) Board members, including appointed board members, shall be electors within the district.
231 If a board member ceases to be an elector, such board member's position shall be declared
232 vacant as of the date of the event terminating such status.

233 (e) Board members shall receive no compensation for their services but shall be reimbursed
234 for actual expenses incurred in the performance of their duties.

235 (f) Board members shall elect one of their number as chairperson and another as vice
236 chairperson. They shall also elect a secretary and a treasurer or a secretary-treasurer, either
237 of whom may, but need not, be a member of the board or an elector.

238 (g) Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," shall not apply to
239 the election of district board members. The district board may adopt such bylaws not
240 inconsistent herewith to provide for any matter concerning such elections.

241

SECTION 6.

242

Taxes, fees, and assessments.

243 (a) The board may levy taxes, fees, and assessments within the district only on real property
244 used nonresidentially, specifically excluding all property exempt from ad valorem taxation
245 under the Constitution or laws of the State of Georgia and all property used for residential,
246 agricultural, or forestry purposes and all tangible personal property and intangible property.
247 Any tax, fee, or assessment so levied shall not exceed five mills on the assessed value of all
248 such real property. The taxes, fees, and assessments levied by the board shall be equitably
249 apportioned among the properties subject to such taxes, fees, and assessments according to
250 the need for governmental services and facilities created by the degree of density of
251 development of each such property. The proceeds of taxes, fees, and assessments levied by
252 the board shall be used only for the purpose of providing governmental services and facilities
253 which are specifically required by the degree of density of development within the district
254 and not for the purpose of providing those governmental services and facilities provided to
255 Newton County or the municipality as a whole. Any tax, fee, or assessment so levied shall
256 be collected by the Newton County Tax Commissioner in the same manner as taxes, fees,
257 and assessments are levied by Newton County. Delinquent taxes shall bear the same interest
258 and penalties as Newton County ad valorem taxes and may be enforced and collected in the
259 same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the
260 costs of collection of 1 percent thereof, but not more than \$25,000.00 in any one calendar
261 year, shall be transmitted as soon as they are acquired by the Newton County Tax
262 Commissioner to the district board and shall be expended by the board only for the purposes
263 authorized hereby.

264 (b) The board shall levy the taxes provided for in subsection (a) of this section subsequent
265 to the report of the assessed taxable values for the current calendar year and notify in writing
266 the collecting governing bodies so they may include the levy on their regular ad valorem tax
267 bills, if possible.

268

SECTION 7.

269

Boundaries of the districts.

270 (a) The boundaries of the district or districts shall be as designated by the governing
271 authority of Newton County and such municipalities within which the district may be
272 partially located if partially within the unincorporated area of Newton County and partially
273 within one or more municipalities, or by the governing authority of a municipality if wholly
274 within the incorporated area thereof, as set forth in the resolutions required in Section 4 of
275 this Act or as may thereafter be added as provided in this Act.

276 (b) The boundaries of the district or districts may be increased after the initial creation of a
277 district pursuant to the following:

278 (1) Written consent of a majority of the owners of real property within the areas sought
279 to be annexed and which will be subject to taxes, fees, and assessments levied by the
280 board of the district;

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

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

287 (4) The adoption of a resolution consenting to the annexation by the governing authority
288 of Newton County if any portion of the district is or is to be in the unincorporated area
289 of Newton County, and the governing authority of such municipalities as may have area
290 within the district before or after the annexation.

291 (c) The boundaries of the district or districts may also be increased after the initial creation
292 of a district to include property which is not at that time subject to taxes, fees, and
293 assessments levied by the board of the district by:

294 (1) The adoption of a resolution consenting to the annexation by the board of the district;
295 and

296 (2) The adoption of a resolution consenting to the annexation by the governing authority
297 of Newton County if any portion of the district is or is to be in the unincorporated area
298 of Newton County, and the governing authority of such municipalities as may have area
299 within the district before or after the annexation.

300 **SECTION 8.**

301 Debt.

302 Except as otherwise provided in this section, the district may incur debt without regard to the
 303 requirements of Article IX, Section V of the Constitution of Georgia or any other provision
 304 of law prohibiting or restricting the borrowing of money or the creation of debt by political
 305 subdivisions of the State of Georgia, which debt shall be backed by the full faith, credit, and
 306 taxing power of the district but shall not be an obligation of the State of Georgia or any other
 307 unit of government of the State of Georgia other than the district.

308 **SECTION 9.**

309 Cooperation with local governments.

310 The services and facilities provided for in this Act shall be provided for in a cooperation
 311 agreement executed jointly by the board, the governing body of Newton County if any of the
 312 district is in the unincorporated area of the county, and any municipalities within which the
 313 district is partially located. The provisions of this section shall in no way limit the authority
 314 of Newton County or any such municipality to provide services or facilities within the
 315 district, and Newton County and such municipality shall retain full and complete authority
 316 and control over any of its facilities located within any district. Such control shall include,
 317 but not be limited to, the modification of, access to, and degree and type of services provided
 318 through or by facilities of Newton County or such municipalities. Nothing contained in this
 319 section shall be construed to limit or preempt the application of any governmental laws,
 320 ordinances, resolutions, or regulations to the district or the services or facilities provided
 321 therein.

322 **SECTION 10.**

323 Powers.

324 (a) The district and the board created pursuant to this Act shall have all of the powers
 325 necessary or convenient to carry out and effectuate the purposes and provisions hereof,
 326 including, without limiting the generality of the foregoing, the power to:

- 327 (1) Bring and defend actions;
 328 (2) Adopt and amend a seal;
 329 (3) Make and execute contracts, agreements, and other instruments necessary or
 330 convenient to exercise the powers of the board or to further the public purposes for which
 331 the district is created, including, but not limited to, contracts for construction of projects,

332 leases of projects, contracts for sale of projects, agreements for loans to finance projects,
333 contracts with respect to the use of projects, and agreements with other jurisdictions or
334 community improvement districts regarding multijurisdictional projects or services or for
335 other cooperative endeavors to further the public purposes of the district;

336 (4) Acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and
337 personal property of every kind and character, or any interest therein, in furtherance of
338 the public purposes of the district;

339 (5) Finance (by loan, private grant, lease, or otherwise), construct, erect, assemble,
340 purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend,
341 improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the
342 cost of any project from the proceeds of the district, of any other funds of the district, or
343 from any contributions or loans by persons, corporations, partnerships (whether limited
344 or general), or other entities, all of which the board is authorized to receive, accept, and
345 use;

346 (6) Borrow money to further or carry out its public purposes and to execute notes, other
347 obligations, leases, trust indentures, trust agreements, agreements for the sale of its notes
348 or other obligations, loan agreements, security agreements, assignments, and such other
349 agreements or instruments as may be necessary or desirable, in the judgment of the board,
350 to evidence and to provide security for such borrowing;

351 (7) Issue notes or other obligations of the district and use the proceeds thereof for the
352 purpose of paying all or any part of the cost of any project and otherwise to further or
353 carry out the public purposes of the district and to pay all costs of the board incidental to,
354 or necessary and appropriate to, furthering or carrying out such purposes;

355 (8) Make application directly or indirectly to any federal, state, county, or municipal
356 government or agency or any other source, whether public or private, for loans, grants,
357 guarantees, or other financial assistance in furtherance of the district's public purposes
358 and to accept and use the same upon such terms and conditions as are prescribed by such
359 federal, state, county, or municipal government or agency or other source;

360 (9) Enter into agreements with the federal government or any agency thereof to use the
361 facilities or services of the federal government or any agency thereof in order to further
362 or carry out the public purposes of the district;

363 (10) Contract for any period, not exceeding 50 years, with the State of Georgia, state
364 institutions, or any municipal corporation, county, or political subdivision of this state for
365 the use by the district of any facilities or services of the state or any such state institution,
366 municipal corporation, county, or political subdivision of this state, or for the use by any
367 state institution or any municipal corporation, county, or political subdivision of this state
368 of any facilities or services of the district, provided that such contracts shall deal with

369 such activities and transactions as the district and any such political subdivision with
370 which the district contracts are authorized by law to undertake;

371 (11) Grant, mortgage, convey, assign, or pledge its property, revenues, taxes, fees, or
372 assessments to be received as security for its notes or other indebtedness and obligations;

373 (12) Receive and use the proceeds of any tax levied by any county or any municipal
374 corporation to pay the costs of any project or for any other purpose for which the board
375 may use its own funds pursuant hereto;

376 (13) Receive and administer gifts, private grants, and devises of money and property of
377 any kind and to administer trusts;

378 (14) Use any real property, personal property, fixtures, or any interest therein, to rent or
379 lease such property to or from others or make contracts with respect to the use thereof,
380 or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant
381 options for any such property in any manner as it deems to be the best advantage of the
382 district and the public purposes thereof;

383 (15) Appoint, select, and employ engineers, surveyors, architects, urban or city planners,
384 fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;

385 (16) Encourage and promote the improvement and economic development of the district
386 and to make, contract for, or otherwise cause to be made long-range plans or proposals
387 for the district in cooperation with Newton County and any municipalities within which
388 the district is wholly or partially located;

389 (17) Invest its funds in such manner as it may deem prudent and appropriate, without
390 further restriction;

391 (18) Adopt bylaws governing the conduct of business by the board, the election and
392 duties of officers of the board, and other matters which the board determines to deal with
393 in its bylaws;

394 (19) Exercise any power granted by the laws of this state to public or private
395 corporations which is not in conflict with the public purposes of the district;

396 (20) Create, provide, enhance, or supplement public services such as fire, police, and
397 other services as may be deemed necessary, provided that such services do not conflict
398 with or duplicate existing Newton County or municipal services;

399 (21) To reimburse expenses for the creation and approval of a district; and

400 (22) Do all things necessary or convenient to carry out the powers conferred hereby.

401 (b) The powers enumerated in subsection (a) of this section are cumulative of and in addition
402 to those powers enumerated herein and elsewhere in this Act, and no such power shall limit
403 or restrict any other power of the board.

404 **SECTION 11.**

405 Construction, notice, proceeding, publication, and referendum.

406 This Act shall be liberally construed to effect the purposes thereof. No notice, proceeding,
407 or publication except those required hereby shall be necessary for the performance of any act
408 authorized hereby nor shall any such act be subject to referendum.

409 **SECTION 12.**

410 Dissolution.

411 (a) A district activated under the provisions of this Act may be dissolved upon the
412 occurrence of the following:

413 (1) The adoption of a resolution approving of the dissolution of the community
414 improvement district by the governing authority of Newton County if wholly within the
415 unincorporated area of Newton County, by the governing authority of Newton County
416 and such municipalities within which the district may be located if within the
417 unincorporated area of Newton County and partially within one or more municipalities,
418 or by the governing authority of a municipality if wholly within the incorporated area
419 thereof; and

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

421 (A) A majority of the owners of real property within the district subject to taxes, fees,
422 and assessments levied by the board of the district; and

423 (B) The owners of real property constituting at least 75 percent by value of all real
424 property within the district subject to taxes, fees, and assessments levied by the board.

425 For this purpose, value shall be determined by the most recent approved county ad
426 valorem tax digest.

427 The written consent provided for in this paragraph shall be submitted to the Newton
428 County Tax Commissioner, who shall certify whether subparagraphs (A) and (B) of this
429 paragraph have been satisfied with respect to the proposed district dissolution.

430 (b) At such time within each six-year period following the creation of the district as the
431 board determines appropriate, the question shall be put before a caucus of electors whether
432 to dissolve the district. Upon an affirmative vote of a majority of the electors present and
433 voting, who shall represent at least 75 percent of the votes cast on the basis of value, the
434 board shall send a ballot to each owner of property subject to taxes, fees, and assessments
435 levied by the board for a vote on the dissolution. Upon receipt of ballots consenting to the
436 dissolution from a majority of the property owners subject to taxes, fees, and assessments
437 levied by the board, who shall represent at least 75 percent of the assessed value of such

438 properties, as certified by the Newton County Tax Commissioner, the governing authorities
 439 of Newton County and any municipality within which the district is located shall dissolve the
 440 district.

441 (c) In the event that successful action is taken pursuant to this section to dissolve the district,
 442 the dissolution shall become effective at such time as all debt obligations of the district have
 443 been satisfied. Following a successful dissolution action and until the dissolution becomes
 444 effective, no new projects may be undertaken, obligations or debts incurred, or property
 445 acquired.

446 (d) Upon a successful dissolution action, the board shall serve until December 31 of that
 447 year for the purpose of concluding any ongoing matters and projects, but if such cannot be
 448 concluded by December 31, the governing authority of Newton County, or the municipality
 449 if the district is located entirely within a municipality, shall assume the duties, obligations,
 450 and authority of the board. The board, and after December 31 the governing authority which
 451 has assumed the duties as set forth in this subsection, may continue to levy taxes within the
 452 limitations set forth in Section 6 of this Act until all debt obligations of the district have been
 453 satisfied.

454 (e) Upon a successful dissolution action, all noncash assets of the district other than public
 455 facilities, land, or easements to be used for such public facilities, as described in Section 2
 456 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be applied
 457 to the repayment of any debt obligation of the district. Any cash remaining after all
 458 outstanding obligations are satisfied shall be refunded to each property owner in direct
 459 proportion to the total amount in taxes, fees, or assessments paid by the property owner
 460 relative to the total revenues paid by all properties in the district in the most recent tax year.

461 (f) When a dissolution becomes effective, the governing authority of Newton County for
 462 public facilities located in the unincorporated area, or the municipality within which they are
 463 located, shall take title to all public facilities, land, or easements to be used for such public
 464 facilities, previously in the ownership of the district, and all taxes, fees, and assessments of
 465 the district shall cease to be levied and collected.

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

467 **SECTION 13.**

468 Severability.

469 In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared
 470 or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other
 471 sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full
 472 force and effect as if such section, subsection, sentence, clause, or phrase so declared or

473 adjudged invalid or unconstitutional were not originally a part hereof. The General
474 Assembly declares that it would have passed the remaining parts of this Act if it had known
475 that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

476 **SECTION 14.**

477 Effective date.

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

480 **SECTION 15.**

481 Repealer.

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