

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY
OF THE STATE OF GEORGIA 1986 [VOLUME 2]**

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Sequential Number: 461

Short Title: FULTON COUNTY -- COUNTY-WIDE LIBRARY SYSTEM; TITLE TO REAL PROPERTY; SPECIAL DISTRICT; TAXATION.

Law Number: No. 1358

Origin: (House Bill No. 1493).

Type: AN ACT

Full Title: To amend an Act providing for the establishment of a countywide library system in Fulton County, approved April 12, 1982 (Ga. L. 1982, p. 4174), as amended by an Act approved March 18, 1983 (Ga. L. 1983, p. 4228), an Act approved March 21, 1984 (Ga. L. 1984, p. 4711), and an Act approved March 27, 1985 (Ga. L. 1985, p. 4327), so as to change a provision relating to the title to certain real property reverting to certain municipalities; to change the provisions relating to the special district for library services within that portion of the City of Atlanta lying within DeKalb County; to change the provisions relating to the ad valorem tax within such special district; to provide that any funds available to the county-wide system may be used to provide library services within that portion of the City of Atlanta lying within DeKalb County; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. An Act providing for the establishment of a county-wide library system in Fulton County, approved April

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12, 1982 (Ga. L. 1982, p. 4174), as amended by an Act approved March 18, 1983 (Ga. L. 1983, p. 4228), an Act approved March 21, 1984 (Ga. L. 1984, p. 4711), and an Act approved March 27, 1985 (Ga. L. 1985, p. 4327), is amended by striking the last sentence of subsection (d) of Section 1, which reads as follows:

"In the event the county-wide library system shall fail to use, by July 1, 1984, or shall discontinue to use, any real property transferred pursuant to this section for a library facility or service, legal title to said real property will automatically revert to the transferring municipality.",

and inserting in lieu thereof the following:

"In the event the county-wide library system shall discontinue to use any real property transferred pursuant to this section for a library facility or service, the property shall be disposed of by Fulton County after a public hearing, and the proceeds of such disposal shall be used for the countywide library system."

Section 2. Said Act is further amended by striking subsection (h) of Section 1 in its entirety and substituting in lieu thereof a new subsection (h) to read as follows:

"(h) (1) Notwithstanding any other provisions of this Act, pursuant to a contract with Fulton County for the provision by the county-wide library system of public library services and facilities within that portion of the City of Atlanta lying within DeKalb County, the City of Atlanta may create within that portion of the City of Atlanta lying within DeKalb County a special district for the provision of library services and levy and collect within such special district fees, assessments, and taxes to pay any portion of the cost of such services.

(2) Any annual ad valorem tax millage rate levied for library services by the City of Atlanta within the special district authorized by paragraph (1) of this subsection shall be equal to the annual ad valorem tax millage rate levied by Fulton County to support the county-wide library system. Such millage rate shall be calculated as follows:

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- (A) Determine the portion of the total annual cost of the county-wide library system which is supported by Fulton County ad valorem taxes by subtracting from such total annual cost the total amount of funds supporting the county-wide library system which are derived from sources other than Fulton County ad valorem taxes, including fines and fees for overdue, lost, and damaged books, nonresident membership fees, service charges paid by municipalities utilizing the Fulton County library system, State of Georgia grants, federal grants, or both, dedicated for library operations, funds available from the sale of library property initially owned by the City of Atlanta, and any other sources directly associated with Fulton County's operation of the library system, as shown by the annual Fulton County budget;
- (B) Add the current total net tax digest of Fulton County to that portion of the current total net tax digest of the City of Atlanta derived from taxable property located in DeKalb County;
- (C) Determine an amount resulting from multiplying the amount determined under subparagraph (B) of this paragraph by a factor derived by dividing the total ad valorem taxes collected by Fulton County for the immediately preceding calendar year by the total ad valorem taxes billed by Fulton County for the immediately preceding calendar year;
- (D) Divide the amount determined under subparagraph (A) of this paragraph by the amount determined under subparagraph (C) of this paragraph; and

- (E) Multiply the amount determined under subparagraph (D) of this paragraph by 1,000 to produce the Fulton County ad valorem tax millage rate for the county-wide library system.

(3) In addition to funds derived from fees, assessments, and taxes within such special district, the board of trustees of the county-wide library system may use any funds available to such board to provide library services within that portion of the City of Atlanta lying within DeKalb County. The levy of an ad valorem tax

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by the city within the special district authorized by this subsection shall not constitute a violation of the contract provided for in subsection (g) of this section."

Section 3. Said Act is further amended by striking subsection (a) of Section 4 in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) Responsibility for constructing, operating, and maintaining all library facilities and services within unincorporated Fulton County and within all parts of any municipality located wholly or partially within Fulton County shall be vested in the county-wide library system which shall be administered by the library board of trustees. The composition of the library board of trustees shall be as hereinafter provided in this section."

Section 4. This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is specifically provided that this Act shall be effective for calendar year 1986 and thereafter for the purpose of the City of Atlanta setting the ad valorem tax millage rate for the special district for library services as provided in quoted subsection (h) of Section 2 of this Act.

Section 5. All laws and parts of laws in conflict with this Act are repealed.

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 1986 session of the General Assembly of Georgia a bill to amend an Act; to provide for the establishment of a countywide library system in Fulton County, approved April 13, 1962 (Ga. L. 1962, p. 4174), as amended; and for other purposes.

The 16th day of January, 1986.

PAUL BOLSTER Jan. 17 1986Req-4

GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority,

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duly authorized to administer oaths, Paul Bolster, who, on oath, deposes and says that he is Representative from the 30th District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Fulton County Daily Report which is the official organ of Fulton County, on the following date: January 17, 1986.

/s/ Paul Bolster Representative, 30th District

Sworn to and subscribed before me, this 24th day of January, 1986.

/s/ Connie F. Smith
Notary Public, Clayton County, Georgia.
My Commission Expires Nov. 21, 1989.
(SEAL).

Approval Date: Approved March 28, 1986.