

Department of Revenue
State of Georgia
410 Trinity-Washington Building
Atlanta, Georgia 30334
(404) 656-4015

T. Jerry Jackson
Commissioner

October 27, 2000

Mr. Charles F. Palmer
Troutman Sanders LLP
600 Peachtree Street, NE – Suite 5200
Atlanta, Georgia 30308-2216

RE: Community Improvement Districts – O.C.G.A. § 48-5-32.1

Dear Mr. Palmer:

In reply to your letter of September 18, 2000 regarding the above subject matter, I have discussed the process of setting millage rates in Community Improvement Districts with our Property Tax Division Director, Mr. Larry Griggers, and am prepared to give you the Department's position on this matter.

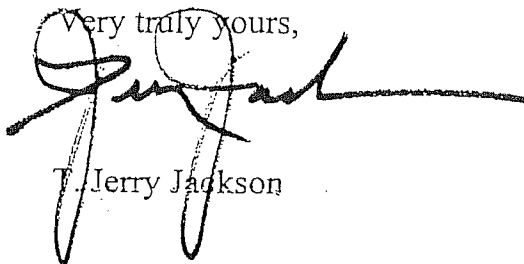
Your question is whether the governing board of a Community Improvement District is required by O.C.G.A. § 48-5-32.1 to hold public hearings when adopting a millage rate that is in excess of the rollback rate computed in accordance with such statute. The Department cannot provide you with legal advice regarding the proper interpretation of this law, but I can relate to you how we plan to enforce that provision of the statute that prohibits me from accepting a digest for review when the proper authorities have not complied with the rollback provisions of O.C.G.A. § 48-5-32.1.

We do not view a Community Improvement District to be a political subdivision of this state, nor do we view the CID's governing board to be a county governing authority as contemplated under the definition of "Levying authority" in O.C.G.A. § 48-5-32.1. Therefore, we cannot find a clear basis for applying O.C.G.A. § 48-5-32.1 to a Community Improvement District. Accordingly, we would not refuse to accept a digest for review when the tax commissioner submitting such digest failed to submit evidence that public hearings had been held by the CID's governing board before setting a millage rate in the district greater than the rollback rate.

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I hope this is responsive to your request. If I can be of any further assistance to you, please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jerry Jackson", with a long horizontal flourish extending to the right.

Jerry Jackson

TJJ:pr

cc: Larry M. Griggers, Property Tax Division Director
