COUNTY AND CITY RELATIONS

This chapter contains general information for the use of the members of ACCG and the public. This information is not and should not be considered legal advice. Readers should consult with legal counsel before taking action based on the information contained in this chapter.

ACCG
Advancing Georgia's Counties.

INTRODUCTION

A county government must interact with federal, state, and municipal governments. Ideally, these relations should result in effective and efficient government. Because county and city governments are closest to citizens and people deal with them on the most basic levels, a county's relationship with any cities located in its border is of high importance.

Counties and cities are created in quite different ways. There is no provision of the Georgia Constitution (Constitution) or of general law requiring that cities exist. A city is created or abolished only by local Act of the General Assembly.[1] Counties, however, are created and required under the Constitution. The number is limited to 159 and the boundaries of counties are set by general law.[2] The importance of these distinctions becomes apparent when looking at what happens to a county and its residents in cases such as annexation or the creation of a new city.

This chapter addresses the following aspects of relations between a county and its cities:

- **Extraterritorial powers** - the exercise of functions or services outside the geographic boundaries of a local government.
- **Annexation** - methods by which territory is taken out of the unincorporated area of a county and placed within a city's boundary.
- **Deannexation** - methods by which territory of a city is removed from the city limits and placed within the unincorporated area of a county.
- **New cities** - the creation of a new city from territory formerly inside the unincorporated area of a county.
- **County revenue impacts from annexation or new city creation** - adverse financial consequences to counties following an annexation or new city creation.
- **Services consolidation** - consolidation of services between a county and a city.
- **Merger** - joining of one county with another county.
- **Governmental consolidation** - joining of a county and one or more cities into a single government entity.
- **Intergovernmental relations** - contracts between units of government.

EXTRATERRITORIAL POWERS

A county or a city exercises extraterritorial powers when it performs certain functions or provides certain services within the boundaries of another county or city. This practice is authorized by the supplementary powers provision (SPP) of the Constitution.[3]

The SPP lists 14 categories of extraterritorial powers that counties and cities are allowed to exercise:[4]

1. Police and fire protection
2. Garbage and solid waste collection and disposal
3. Public health facilities and services including hospitals, ambulance emergency rescue services, and animal control
4. Street and road construction and maintenance, including curbs, sidewalks, street lights, and traffic control devices
5. Parks, recreational areas, programs, and facilities
6. Storm water and sewage collection and disposal
7. Water development, storage, purification, and distribution
8. Public housing
9. Public transportation
10. Libraries, archives, and arts and science programs and facilities
11. Terminal and dock facilities and parking facilities
12. Codes, including building, housing, plumbing, and electrical codes
13. Air quality control
14. Retirement or pension systems

A *county* cannot exercise any of the above functions inside a city or inside another county unless a contract is in place to allow the extraterritorial performance within the affected city or county.[5] A *city* cannot exercise any of the above functions outside of its own boundaries and inside another city or inside a county unless a contract is in place to allow the extraterritorial performance within the affected city or county.[6]

However, the SPP requirement of a contract as a condition of providing extraterritorial functions is not absolute. Either a general or local law can specifically authorize extraterritorial functions without the need of contract or agreement.[7] This was not always the case – constitutions prior to the current Constitution (effective July 1, 1983) included the local law exception but did not include the general law exception.[8]

As a matter of practice, relying on a local law exception to SPP requirements and omitting a contract can result in disharmony and unnecessary litigation between a

county and a city. For example, it is now common for a city charter (a local Act creating a city) to contain a provision to allow a city to extend water and sewer services inside and outside the city limits. The Supreme Court of Georgia has held that the local Act language is sufficient under the Constitution to authorize the city to provide water outside the city limits and inside the unincorporated area of the county without a contract.[9] Even though no contract is technically needed, litigation could be avoided by using one. A contract could also prevent adverse consequences to the county, such as competing service delivery and unfair pricing to residents of the unincorporated area.

Other examples of extraterritorial powers include:

- The exercise of eminent domain for purposes of acquiring property for an airport; however, consent of the county or city where the real property is located is required.[10]
- The issuance of revenue bonds to finance projects (undertakings that produce revenue) located inside or outside a county or city.[11] Such undertakings include (but are not limited to) causeways, tunnels, bridges, highways, airports, docks, water supply, sewage and solid waste disposal systems, dormitories, laboratories, libraries, golf courses, tennis courts, parks, swimming pools, athletic fields, educational/athletic/exhibition buildings, public parking areas, sea wall and beach erosion protection systems, and jails.[12]
- The exercise of certain redevelopment powers; however, the consent of the county or city in which the powers are to be exercised is required.[13]

In general, when county-owned property that is used for governmental purposes is located within a city, the county property is not subject to city zoning.[14] While zoning may include some building regulations, many such regulations fall outside of zoning and are accomplished under the SPP. If a city building regulation is accomplished under the SPP, then a county is required to comply with that regulation.[15]

ANNEXATION

In General

Annexation is frequently a major source of contention between a county and a city. It is the process by which residential, business, or vacant land can be removed from the unincorporated area of a county and placed inside the city limits. In other words, the size of a city is increased at the expense of reducing the unincorporated area of a county. Depending on the type of annexation used, there are varying requirements of the annexed land being contiguous or adjacent to the existing city limits.

Often, the driving force behind an annexation is a developer or landowner wanting increased density or other land uses that have been refused by the county. A city's justification is often that annexation is necessary for a city to provide city services for portions of unincorporated areas adjacent to the city's boundaries.[16] From the county's perspective, annexation can have a strong negative impact upon the county and its citizens, including (but not limited to) loss of revenue, interference with county service delivery, and conflicts with the county's zoning and land use plan, as well as change in property value and quality of life for surrounding property owners.

Annexation Methods

Annexation by Local Act[17]

One of the most common methods of annexation is the use of a local Act of the General Assembly to amend a city charter by extending the city limits. General law expressly authorizes the General Assembly to change city boundaries by local Act.[18] Typically, a local bill proposing an annexation may include a requirement for referendum approval of the annexation under such terms and conditions as specified in such local law. However, if the number of residents in the area to be annexed exceeds 3% of the population of the city or 500 people – whichever is less as determined by the most recent United States decennial census – referendum approval in the area to be annexed is mandatory.[19] The cost of holding the referendum must be paid from funds of the municipality proposing the annexation.[20]

There is no general law authorization or prohibition regarding the use of this method to annex across a county boundary.

Annexation by General Law

None of the three general law methods of annexation described below in any way limit, restrict, or impair the authority of the General Assembly to annex by local Act.[21]

Method 1: 100%[22]

State law allows cities to annex unincorporated areas of the county by ordinance if the owner(s) of the land to be annexed sign written annexation applications.[23] Any such area must be "contiguous" – meaning, generally, that it directly abuts the existing city limits (or would do so if not separated by land owned by the city or state, the width of a street or right-of-way, a creek or river, or a railroad or other utility right-of-way).[24] The abutting area must be at least the lesser of either one-eighth of the aggregate external boundary or 50 feet of the area to be annexed.[25] The entire parcel of land owned by the person seeking annexation must be annexed.[26] In other words, subdividing is not allowed if used to meet the annexation requirements.[27] To prevent spoke annexation (i.e. using a thin strip or spoke to connect to the desired parcel to be annexed), the subject parcel of land must be of sufficient size to meet the annexing city's minimum

size requirements for construction of a building or structure.[28] Spoke annexations are allowed if the city-owned land is separated by the length of a street or right-of-way, creek or river, or railroad or utility right-of-way.[29] As a recent litigation, multiple parcels being annexed simultaneously do not have to meet the contiguity requirements.[30]

A specific process must be followed if this method is used to annex into an adjoining county in which the city is not already located.[31] This process, in general, is as follows:

1. **Written Notice.** Within 10 business days of receiving an annexation application, the city must provide written notice to the county governing authority of the adjoining county of its intent to annex into the county.[32] The notice must include a map or other description of the land proposed for annexation sufficient for the county to identify the location of the proposed annexation.[33]
2. **Meeting Request.** A meeting must be held between the county and city governing authorities to discuss the proposed annexation if the county governing authority files a written request for such meeting.[34]
3. **Annexation Approval.** A city cannot annex into an adjoining county in which the city is not already located unless otherwise agreed to by the county governing authority of the adjoining county.[35] The annexation is deemed approved, unless the county governing authority adopts a resolution opposing the annexation.[36]
4. **Annexation Opposition**. In making its decision to oppose, the county governing authority must consider all of the following factors:[37]
    - Whether the annexation ordinance is reasonable for the long-range economic and overall well-being of the counties, school districts, and cities affected by the annexation.[38]
    - Whether the health, safety, and welfare of property owners and citizens of the county, cities, and area proposed to be annexed will be negatively affected by the annexation.[39]
    - Whether the proposed annexation has any negative fiscal impact on the county, school districts, and other cities that have not been mitigated by an agreement.[40]
    - Interests of the property owner seeking annexation.[41]
5. **Challenge of Disapproval.** If the county governing authority disapproves the annexation, the city may challenge the disapproval by filing a complaint in the superior court of the adjoining county into which such annexation has been proposed.[42] The challenge must be heard by either a judge or senior

judge who is not from the circuit in which either the county or the city is located.[43]

6. **Court Determination.** If the court finds that the determination by the county is correct, then the county's denial of annexation must be sustained. If the denial is not sustained, the annexation may proceed.[44]

While annexation is appropriate in certain situations, if it is in a county's best interest not to annex, it is important for the county to act quickly. Once a city has managed to cross the county line into another county, then all other methods of annexation will be available for the city inside the other county.

Method 2: 60%[45]

State law allows cities with a population of 200 or more to annex by ordinance contiguous unincorporated areas.[46] For the purposes of this method, "contiguous" is defined as an area where one-eighth of the aggregate external boundary directly abuts the municipal boundary or would abut the boundary if it were not separated by land owned by the city or state, the width of a street or right-of-way, a creek or river, or a railroad or other utility right-of-way.[47]

This process requires a signed application of at least 60% of the voters and at least 60% of the landowners in the area to be annexed.[48] Prior to the annexation, a city must prepare a plan for servicing the area to be annexed and to hold a public hearing.[49]

This method of annexation cannot be used to cross a county boundary.[50]

Method 3: Resolution and Referendum[51]

State law allows cities to annex adjacent or contiguous urban areas by resolution if a majority of registered voters residing in the proposed area vote in favor of annexation.[52] A municipality must prepare a plan for servicing an area to be annexed and hold a public hearing prior to a referendum to ratify or reject the annexation resolution.[53]

A city may extend the city limits to include any area which meets two separate sets of criteria.[54] First, the total area to be annexed must meet the following standards on the date of the adoption of the resolution:[55]

- It must be adjacent or contiguous to the city's boundaries at the time the annexation proceeding is begun.[56]
- At least one-eighth of the aggregate external boundaries of the area must coincide with the municipal boundary.[57]
- No part of the area can be included within the boundary of another city or county.[58]

- No part of the area can – at the time notice of public hearing is given – be receiving either water service or sewer service, or both, and either police protection or fire protection from any unit of government other than the city proposing annexation.[59] This requirement may be waived by written agreement between the city proposing annexation and the other unit of government affected.[60] Where contracts exist between a county and a city, both government entities must agree by mutual consent prior to annexation.[61]

Second, the total area to be annexed must meet all the requirements of either item 1 or item 2 below:[62]

1. The area to be annexed must be developed for urban purposes. An area developed for urban purposes means any area which, on the date of adoption of the annexation resolution:
    a. has a total resident population equal to at least two persons for each acre of land included within its boundaries;
    b. is subdivided into lots and tracts such that at least 60% of the total acreage consists of lots and tracts five acres or less in size; and
    c. is subdivided such that at least 60% of the total number of lots and tracts are one acre or less in size.[63]
2. In addition to areas developed for urban purposes, a city may include in the area to be annexed any area which does not meet the requirements of item 1 above if:
    a. the area lies between the city boundary and an area developed for urban purposes such that the area developed for urban purposes is either not adjacent to the city boundary or cannot be served by the city without extending services and water and sewer lines through the sparsely developed area; and
    b. If the area is adjacent on at least 60% of its external boundary to any combination of the city boundary and the boundary of an area or areas developed for urban purposes, as defined in item 1 above.[64]

This method of annexation cannot be used to cross a county boundary.[65]

Effective Date of Annexation

Annexation by any method other than by local Act becomes effective for:[66]

- Ad valorem tax purposes on December 31 of the year during which such annexation occurred.[67]

- All other purposes on the first day of the month following the month during which the particular general law requirements have been met.[68]

Annexation by local Act becomes effective for:

- Ad valorem tax purposes on December 31 of the year in which such local Act is approved by the Governor or becomes law without such approval.[69]
- All other purposes at the time such local Act becomes effective, or a later date as provided in the local Act.[70]

However, there is one exception to the above annexation dates. Where an independent school system exists within the boundaries of a city, other effective dates may be established by the city solely for the purpose of determining school enrollment.[71]

Unless otherwise agreed in writing by the county and city governing authorities, where property zoned and used for commercial purposes is annexed into a city with an independent school system, the annexation effective date for the purposes of ad valorem taxes levied for educational purposes is December 31 of the year after the year in which the particular general law requirements have been met.[72]

Annexation Disputes

The county governing authority may object to annexation because of an increase in burden upon the county directly related to one or more of the following:

- A proposed change in zoning or land use.
- A proposed increase in density.
- Infrastructure demands related to the proposed change in zoning or land use.[73]

Service delivery may not be a basis for a valid objection but may be used in support of a valid objection if directly related to one or more of the above bulleted items.[74]

For an objection to be valid, the proposed change in zoning or land use must result in

- a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use, or
- a use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project which is furnished by the county to the area to be annexed.[75]

Also, to be valid, the objection must differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinances.[76]

Dispute Resolution

General law provides for a mechanism to resolve annexation disputes.[77] Within 30 days of a city's acceptance of a petition of annexation, a city must notify the county governing authority of the county and any impacted school system by verifiable delivery. The notice must include a copy of the annexation petition and the proposed zoning and land use for such area.[78] If no objection is received by the city, the annexation may proceed – except that the city cannot change the zoning or land use plan relating to the annexed property to a more intense density than that stated in the annexation for one year after the annexation's effective date, unless such change is made in the service delivery agreement or comprehensive plan and is adopted by the affected city and county and all required parties.[79]

If at any time during dispute resolution proceedings the city or applicant abandons the proposed annexation, the county cannot change the zoning, land use, or density affecting the property for a period of one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties.[80]

The dispute resolution procedures described below apply to the general law methods of annexation, but do not apply to annexation by local Act.[81]

1. **Objection Notice.** An objection must document the nature of the objection, specifically providing evidence of any financial impact forming the basis of the objection. It must be delivered to the city governing authority by verifiable delivery to be received not later than 45 calendar days following receipt of the annexation notice.[82]

2. **Arbitration Panel Appointment.** Not later than 15 calendar days following the date the Department of Community Affairs (DCA) received the objection, an arbitration panel – composed of five members – must be appointed.[83] DCA develops three pools of arbitrators to draw from for panel members:
    a. City elected officials who are serving currently or have been within the previous six years.
    b. County elected officials who are serving currently or have been within the previous six years.
    c. Persons with a master's degree or higher in public administration or planning and who are currently employed by an institution of higher learning in this state, other than the Carl Vinson Institute of Government (CVIOG).[84]

The pool must be large enough that no person serves on more than four panels in any one calendar year and serves on no more than one panel in any given county in any one calendar year.[85] The department chooses at random four names from the pool of municipal officials, four names from the pool of county officials, and three names from the pool of academics. None of these selections can include a person who is a resident of the county that has interposed the objection, or any municipal corporation located wholly or partially in such county – and further, none of the selections can include a person who has already served on four other arbitration panels in the then-current calendar year.[86]

Cities and counties have limited ability to strike or excuse names from the pools.[87] To be eligible, persons interested in serving on such panels must receive joint training in alternative dispute resolution together with zoning and land use training.[88]

3. **Arbitration Panel Decision.** The arbitration panel must meet as soon after appointment as practicable and must receive evidence and argument from the city, county, and applicant or property owner.[89] Within 60 days, the panel renders a decision by majority vote that is binding on all parties unless the panel chair extends the deadline up to 10 business days.[90]

   Panel meetings may occur in person, visually, or via teleconference and meetings in which evidence is submitted or arguments of the parties are made must be open to the public.[91] The panel first determines the validity of the grounds for objection.[92] The panel must consider the following:

   - The existing comprehensive land use plans of both the county and city.[93]
   - The existing land use patterns in the area of the subject property.[94]
   - The existing zoning patterns in the area of the subject property.[95]
   - Each jurisdiction's provision of infrastructure to the area of the subject property and to the areas in the vicinity of the subject property.[96]
   - Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county.[97]
   - Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection.[98]

- Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.[99]

The cost of the arbitration shall be equally divided between the city and the county.[100] If the panel determines that a party has advanced a position that is not valid, the costs shall be borne by the party or parties that advanced such position.[101] The reasonable costs of participation in the arbitration process of the property owner or owners whose property is at issue shall be borne by the county and the city in the same proportion as the above-mentioned costs of arbitration are apportioned.[102]

If the panel decision contains zoning, land use, or density conditions, the findings and recommendations of the panel shall be recorded in the county's deed records with a caption including the following:

- Name of current property owner.
- Recording reference of current owner's acquisition deed.
- A general description of the property.
- Expiration date of any restrictions or conditions.[103]

4. **Appeal of Panel Decision.** Appeal of the panel decision must be made in superior court within 10 days.[104] The only grounds for appeal are to correct errors of fact or of law, the bias or misconduct of an arbitrator, or the panel's abuse of discretion.[105] The superior court must schedule an expedited appeal and render a decision within 20 days.[106]

   If the court finds that an acceptable grounds for appeal has been made, the court issues such orders governing the proposed annexation as the circumstances may require, including remand to the panel.[107] Any unappealed order shall be binding upon the parties.[108] The appeal must be assigned to a judge who is not a judge in the circuit in which the county is located.[109]

5. **Final Resolution and Conclusion.** After final resolution of any objection, the decision terms remain valid for two years and the annexation may proceed at any time during the two-year period without any further action or without any further right of objection by the county.[110] Following conclusion of the dispute resolution process, the city and an applicant for annexation may either accept the arbitration panel's recommendations and proceed with the remaining annexation process or abandon the annexation proceeding.[111]

If the annexation is completed after final resolution of any objection – whether by agreement of the parties, act of the panel, or court order as a result of an appeal – the city cannot change the annexed property's zoning, land use, or density for one year unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties.[112]

The county, the city, and the property owner or owners must negotiate in good faith throughout the annexation proceedings and may at any time enter into a written agreement governing the annexation.[113] If such agreement is reached after the arbitration panel has been appointed and before its dissolution, the agreement shall be adopted by the panel as its findings and recommendations.[114] If the agreement is reached after an appeal is filed in the superior court and before the court issues an order, the agreement shall be made a part of the court's order.[115]

Other Legal Requirements for Annexation

There are several other important requirements that apply to all methods of annexation:[116]

- The city must file a report – with DCA, the state reapportionment office, and the county – that identifies the annexation method used; the annexed property's location and size; the effective date of the annexation ordinance or local Act; a letter stating intent to add the annexed area to official census maps; and a list identifying roads, bridges, and rights-of-way that are annexed.[117]
- The creation of unincorporated islands (i.e., where a parcel of unincorporated area of a county is completely surrounded by the boundaries of a city) is prohibited.[118]
- The process of notification depends upon the particular method of annexation. If the general law method of annexation is used, the city governing authority shall – within 30 days – give written notice of the proposed annexation to the county governing authority wherein the proposed annexation area is located.[119] The notice must include a map or other description of the proposed site that is sufficient to identify the area.[120] If the proposed annexation is to be effected by a local Act of the General Assembly, the city governing authority must provide a copy of the proposed legislation to the county governing authority in which the proposed annexation property is located following receipt of such notice by the city governing authority under O.C.G.A. § 28-1-14.[121] Any notices are required to be sent by certified mail or statutory overnight delivery.[122]

- Upon receiving notice of a proposed annexation, the county is required to notify the city of any county-owned public facilities located in the proposed area.[123] Any notices are required to be sent by certified mail or statutory overnight delivery.[124] Ownership and control of county-owned public properties and facilities is not diminished or affected unless it is no longer usable for service to the county's unincorporated area as a result of the annexation.[125] If no longer usable by the county for such service, the city is required to acquire the property from the county at fair market value.[126]
- If a utility service agreement between a county and a city was in effect on July 1, 1992, it cannot be invalidated by annexation unless the county and the city agree in writing.[127]

DEANNEXATION METHODS

Deannexation is the process by which territory inside city limits is removed from the city limits and placed within the unincorporated area of a county.

Deannexation by Local Act

The most common method of deannexation is the use of a local Act of the General Assembly to amend a city charter by removing territory from inside the city limits and placing it inside the unincorporated area of the county. General law expressly authorizes the General Assembly to change city boundaries by local Act.[128] This is typically accomplished by either redescribing the entire city boundary to exclude the deannexed parcel or by describing the parcel to be deannexed as no longer being within the city limits.

Whenever any local Act of the General Assembly deannexes property, that property cannot be subject to annexation by a city under any of the three general law methods of annexation described previously (100%, 60%, Resolution and Referendum) for a period of three years from such deannexation.[129]

General Law Method[130]

State law allows a city to deannex property by essentially reversing the process outlined for the 100% method of annexation.[131] The law incorporates a double standard. While a county does not have to agree with an annexation, a city does have to agree with a deannexation.[132]

Authority is granted to each city to deannex an area or areas of the existing city limits thereof, upon

- the written and signed applications of all owners of all the land proposed to be deannexed (except the owners of any public street, road, highway, or right-of-way), containing a complete description of the lands to be deannexed,[133] and
- the adoption of a resolution consenting to such deannexation by the county governing authority in which such property is located.[134]

Lands to be deannexed at any one time shall be treated as one body, regardless of the number of owners; when any part abuts the city limits, all parts shall be considered as adjoining the city limits.[135] When an application is acted upon by the city and the land is deannexed from the city by ordinance, an identification of the deannexed property must be filed with the DCA and with the county governing authority in which the property is located.[136] When deannexed under this method, such lands cease to be within the city limits as completely and fully as if the limits had been marked and defined by local Act of the General Assembly.[137]

This general law method of deannexation does not in any way limit, restrict, or impair the authority of the General Assembly to deannex by local Act.[138]

NEW CITIES

Creation

As noted in the Introduction, a city can be created only by local Act of the General Assembly.[139] State law imposes certain minimum standards which must exist as a condition precedent to the incorporation of a city.[140] Some of these standards are:

- The area within the proposed city's boundary must include a total resident population of at least 200 persons and an average resident population of at least 200 persons per square mile for the total area.[141]
- The area within the proposed city's boundary must be so developed that at least 60% of the total number of lots and tracts in the area at the time of incorporation are used for residential, commercial, industrial, institutional, recreational, or governmental purposes. At least 60% of the total acreage must consist of lots and tracts of five acres or less in size. Total acreage does not include acreage that at the time of incorporation is used for commercial, industrial, governmental, recreational, or institutional purposes; held for future use; or subject to a contract for future use.[142]
- Every local law creating a city must have a certificate attached by the author of the bill stating that the city's proposed area contains the minimum standards required by general law. Existence of the population standards may be determined by an estimate based on the number of dwellings in the area multiplied by the average family size in the area, by the last preceding federal

census, or by other reliable evidence acceptable to the author.[143] As to development of the area, existence of the standards may be determined by an estimate based on actual survey, county maps or records, aerial photographs, or some other reliable map acceptable to the author.[144] The certificate shall be a permanent part of the city charter and shall constitute conclusive evidence of the existence of the standards required by general law.[145]

In addition to statutory requirements, there are some further requirements to be noted. While the chamber rules of the House and the Senate are silent on the matter, committee rules in both the House and the Senate also govern the process of new city creation. It is important to note that the chamber rules of both the House and the Senate (and of committees thereof) can be temporarily suspended or waived by unanimous consent or an affirmative two-thirds vote.[146]

In the Senate, local bills creating new cities are typically assigned to the Senate Committee on State and Local Governmental Operations. A committee rule provides that any local bill to create a city must be introduced in the first year of the biennium.[147] The bill may be heard in the first year of the biennium but must be held over until the second year of the biennium, at which time it may be considered for recommendation to the full Senate. [148] The committee may take any action on a bill creating a city that is introduced in the second year of the biennium at the discretion of the chair. [149]

In the House, local bills creating new cities are typically assigned to the House Committee on Governmental Affairs. A committee rule provides:[150]

- Any bill or resolution coming before the House Committee on Governmental Affairs that proposes the incorporation of a new city can be considered only if the bill is introduced during one legislative session, studied over the interim between the session in which it is introduced and the next regular session, and brought up for committee action at the next regular session. If the bill or resolution is introduced in the second year of the biennium, it will need to be reintroduced in the first year of the next biennium in the same form for the committee to consider the legislation.
- Any such bill or resolution must be complete and must provide for all aspects necessary for the incorporation of the city. It must contain, among other things, a complete description of the proposed municipal boundaries.
- Generally, the committee cannot consider a bill or resolution unless it is sponsored by at least one member of the House of Representatives or Senate whose district contains all or a part of the area to be incorporated or the county in which the city will be located. However, this may be waived at the discretion of the committee chair.

- Any bill or resolution must have a comprehensive feasibility study – conducted by either the Carl Vinson Institute of Government or the Andrew Young School of Policy Studies – regarding such proposed city using the boundaries set forth in the bill or resolution. The study must be requested from either the Carl Vinson Institute of Government or the Andrew Young School of Policy Studies prior to the end of the session in which the bill or resolution is first introduced and must be received by the committee chair 60 days before the beginning of the next legislative session.
- No amendment of the boundaries is allowed after the end of the first session in which such bill or resolution is introduced, except to deal with subsequent annexations of the portions of the area proposed for incorporation. However, the committee chair may permit adjustments to such boundaries.
- If two or more proposed cities are submitted that have overlapping boundaries, no plan can proceed until such boundary conflicts are resolved. However, the committee chair is permitted to proceed on a proposed incorporation if it appears that the conflicting plan was not proposed in good faith and was introduced solely to block the consideration of the other proposal.
- In addition to the feasibility study, an additional report must be made to the committee stating the services to be supplied to the citizens of the city upon its incorporation, how such services will be supplied, and how the citizens of the proposed city will be notified of the services proposed to be supplied prior to the incorporation of the city (i.e., in the ballot question or in the legal advertisement, etc.).
- No incorporation that contains a provision or provisions that would limit the full exercise of municipal powers by the proposed municipality (commonly referred to as a "city lite") can be considered by the committee.
- Any other government that may be affected by the proposed incorporation is permitted to submit to the committee chair impact studies on the effects of the proposed incorporation on such government or other governments. Such impact studies are prepared by either the Carl Vinson Institute of Government, the Andrew Young School of Policy Studies, or the Georgia Tech Enterprise Innovation Institute at the expense and direction of such affected government. These studies shall not be required to be included in the original feasibility study prepared by the Carl Vinson Institute of Government or the Andrew Young School of Policy Studies.

When a new city is created, a county is affected in several ways, such as:

- For any city created on or after April 15, 2005, when a new city is created by local Act of the General Assembly, the new city automatically assumes the ownership, control, care, and maintenance of county road rights-of-way located within the new city limits – unless the city and the county agree otherwise by joint resolution.[151]
- When a city is created by local Act within a county that has a special district for provision of local government services consisting of the county's unincorporated area, the territory within the new municipal corporation shall be removed from that special district – except to the extent otherwise provided by general law during a transition period and except that the county may continue to levy within such territory any previously imposed tax for the purpose of retiring any special district debt until such time as such debt is retired.[152]
- There are numerous, onerous requirements regarding the disposition of county parks (including, but not limited to, athletic fields, athletic courts, recreation centers, playgrounds, swimming pools, arts centers, historical properties, and adjacent greenspace) and county fire stations when a new city is created, but these only apply in counties where the MARTA tax is collected.[153]

Adverse Impacts Upon a County

The desire for new cities is understandable in terms of home rule, self-determination, local control of land use and many revenues, and providing an additional layer of government and administration.

However, residents of newly incorporated cities are not the only ones impacted. A burden falls on other cities, the county, unincorporated residents of the county, and sometimes higher taxes to city residents that were not originally espoused or promised.

Impacts will vary, depending on such factors as:

- What services the city provides.
- What services, in addition to those mandated, the county provides.
- What future decisions are made by the new city and the county.
- How revenues are distributed.

These are not only issues with new incorporations, but with annexation as well.

COUNTY REVENUE IMPACTS FROM ANNEXATION OR NEW CITY CREATION

Local Option Sales Tax (LOST) Distribution

LOST, subject to countywide voter approval, is a sales and use tax of 1%. The proceeds are shared between counties and municipalities based upon a negotiated certificate that must be updated at least every 10 years.[154] Property taxes must be rolled back annually in an amount equal to the sales tax proceeds generated in the prior year and shown on the property tax bills.[155] When a new city is created, a renegotiation is triggered.[156] Depending on whether the relative proportion of incorporated population (including the new city) to the total population in the county is less or more than 80%, the existing LOST proceeds to either the county or other cities will be reduced and transferred to the new city.[157] Furthermore, future negotiations after each decennial census will also require that LOST proceeds be shared by the county and existing cities with the new city unless they otherwise agree. [158]

Special Purpose Local Option Sales Tax (SPLOST) Distribution

SPLOST is a 1% sales and use tax, typically levied for five or six years. It is used to fund capital outlay projects proposed by the county government and participating municipal governments and approved by the voters in a referendum.[159] While the creation of a new city would not affect distribution of proceeds from a current SPLOST levy, that new city would be eligible for a share of the SPLOST proceeds since the fallback distribution formula is based on relative population.[160]

Business Occupation Tax[161]

The Business Occupation Tax is a tax on businesses and occupations enacted through a local ordinance or resolution.[162] A county can only levy this tax in the unincorporated area. Therefore, businesses located in the new city or annexed area will no longer be subject to taxation by the county – even if the city chooses not to levy a business and occupation tax.[163] A county could not continue to levy the tax in the newly incorporated area.[164]

Insurance Premium Tax

The Insurance Premium Tax is a tax on insurance premiums collected by insurance companies doing business in Georgia. A rate of 1% is imposed on life insurance premiums for counties[165] and cities.[166] In addition, cities and counties are authorized to levy tax at a rate not to exceed 2.5% of the Georgia gross receipts of insurance other than life insurance.[167] This tax is collected by the Georgia Commissioner of Insurance and distributed to local governments.[168] The proceeds received by a county are based on the population of the unincorporated area of each county relative to the municipal population in the county.[169] Proceeds to the county can **only** be used to fund services to

the unincorporated area of the county or for a reduction in ad valorem taxes in the unincorporated area if certain named services are not provided.[170] Proceeds to the cities have no use restrictions. [171]

Local Maintenance and Improvement Grants

Grants for resurfacing and other road and bridge projects are available through the Local Maintenance and Improvement Grants (LMIG) Program at the Georgia Department of Transportation (GDOT). A minimum of 10% to 20% of state motor fuel tax revenues are dedicated to funding the program each year. The funds are made available to counties and cities based on a ratio of the county/city public road mileage and population to total public road mileage and population in the state. Each county road system consists of public roads within the county – including roads extending into any city within the county that were included on GDOT's 1973 list of county roads, and any county roads added since that time.[172] County roads within a city are maintained by the county unless the city establishes its own road system.[173] Cities receive LMIG funding based solely on population, regardless of whether they provide road services.[174]

Hotel-Motel Tax[175]

Counties and cities can levy an excise tax on the sale of rooms, lodgings, and accommodations.[176] The general rate authorized is up to 3%; however, local governments may exceed this rate in varying amounts not to exceed 8%.[177] The proceeds are used for certain, specified purposes generally related to tourism and trade shows.[178] If a new city is created – or an area is annexed – in a county which levies this tax, the county hotel-motel tax ceases in the city limits if the city chooses to impose its own levy.[179]

Alcohol Taxes

Distilled Spirits

Counties and cities may levy excise taxes on distilled spirits at rates not to exceed 22 cents per liter or proportional rates for other sized containers of distilled spirits sold by the package.[180] Counties collect the tax countywide unless a city imposes the tax.[181] Counties and cities may also levy excise taxes at rates up to 3% of the price charged for mixed drinks. Counties collect the tax countywide unless a city imposes the tax.[182]

Malt Beverages

A uniform local government beer tax is levied at 5 cents per 12 ounces for bottled and canned malt beverages, with proportional rates for sizes other than 12 ounces.[183] The rate for bulk (tap or draft) malt beverages is $6 per container for containers up to 151/2 gallons, with proportionate rates for other sized containers.[184]

Wine

Counties may levy excise taxes at rates not to exceed 22 cents per liter.[185] Counties collect the tax countywide unless a city imposes the tax.[186]

Except as noted above, cities collect taxes on alcoholic beverages sold in the city and counties collect this tax on retailers located in their unincorporated areas. [187]

Alcoholic Beverage Licenses

Counties are authorized to license and regulate the manufacture, distribution, and sale of distilled spirits, malt beverages, and wine within their unincorporated areas.[188] In addition to the excise tax on alcoholic beverages, county governing authorities are authorized to establish the amount of such an annual license fee – with the limitation that they may not charge dealers in distilled spirits more than $5,000 annually for each license.[189] These license fees go to a city when issued within municipal boundaries.[190]

Cable Franchise Fees

Cable Franchise Fees are implemented as part of a service agreement executed between the county and a cable television provider in the unincorporated area.[191] The fee is intended to reimburse the county for the use of public right-of-way and for other public services associated with the functioning of the cable television enterprise.[192] Cities collect these fees for areas within the corporate limits, even if they do not maintain their road system/right-of-way.[193] The county fees must terminate in areas that become incorporated. [194]

Sales Tax Portion of TAVT Distribution

The Title Ad Valorem Tax (TAVT) is a one-time state and local tax paid when ownership of a vehicle is transferred, except in the case of a transfer to an immediate family member.[195] This tax applies to all new and used vehicles purchased through a dealership or from a private individual.[196] The tax is collected by the county tax commissioner and dispersed to the state, county, school district, and cities based upon the formulas prescribed by law.[197] The proceeds distribution essentially follows sales tax distribution so that in many cases, if a new city is created, the county share of TAVT will decrease.[198]

Energy Excise Tax

Cities and counties may levy this tax on energy which is otherwise exempt from sales tax.[199] The amount of proceeds to the county and each city is in the same relative proportion that the city or county receive sales tax.[200] A county energy excise tax that is in place when a new city is created continues to be levied in the city limits, but only so long as the new city does not levy the tax.[201] Since the amount distributed to the county and each city is determined by the distribution of LOST and SPLOST proceeds to each,

energy excise taxes distributed to the county and existing cities are proportionately reduced to provide the proceeds to the new city. [202]

Impact Fees

Development impact fees are charged to new developments at the time a building permit is issued and are used to finance public facilities that are impacted by the growth[203] (water, sewer, roads, bridges, storm-water management, parks, greenspace, police, fire, emergency medical, rescue, and libraries[204]). The fee is an alternative to existing residents having to pay more in taxes to accommodate new growth and additional residents.[205] Current law permits cities to allow counties to levy county impact fees within city limits. However, as a rule, counties only collect these fees in unincorporated areas and cities collect them within municipal boundaries – even if the county had been collecting fees for facilities built by the county that are in the newly incorporated areas.[206]

Pension Liabilities and Bonded Indebtedness

When a new city is created, issues with pension liabilities for county employees and bonded indebtedness often result. The obligations are incurred for the entire unincorporated area. Special service tax districts need to be set up to ensure that the costs of repaying the obligations do not fall solely upon the remaining taxpayers of the unincorporated area.

SERVICES CONSOLIDATION

Services consolidation (sometimes referred to as functional consolidation) occurs when a county and a city divide services, or costs thereof, between each other. For example, a city may pay the county for providing fire protection. In that case, the county would retain control over providing fire protection within the city and the city would be responsible for paying for it through an intergovernmental agreement (see the Intergovernmental Agreements and Service Delivery Strategies Chapter). In another example, a county would opt to provide fire service within the city and the city would opt to provide water service throughout the county. Other common examples include a city without a police force using the sheriff or county police to provide law enforcement within the city[207] or using the county jail for city inmates.[208]

Consolidating services can provide cost savings by avoiding duplication of personnel and equipment.

MERGER

The Constitution provides that there cannot be more than 159 counties.[209] However, the Constitution allows the General Assembly to provide by law for consolidation of two or

more counties into one, or division of a county and merger of the portions into other counties under such terms and conditions as it may prescribe. No such consolidation, division, or merger can become effective unless approved by a majority of the qualified voters voting thereon in each of the counties proposed to be consolidated, divided, or merged.[210]

GOVERNMENTAL CONSOLIDATION

In General

Consolidated government is another way in which the consolidation of services can be accomplished. In this type of county government, traditional governmental powers and functions that are vested in one or more cities are combined, or consolidated, with the traditional governmental powers and functions of the county.[211] In Georgia, there are currently eight consolidated governments created through varying mechanisms, as allowed by state law.

Georgia has had five types of consolidation; one method – through a local constitutional amendment (LCA) – is no longer available.[212] It is important to understand the differences of each type, particularly for counties that may be considering undertaking a potential referendum for consolidation. The following four options remain available for the consolidation process:

1. Direct creation by local Act.
2. Charter commission.
3. Alternative method under general law.
4. County consolidation when no city exists.

Direct Creation by Local Act

The Constitution specifically authorizes the direct creation of a consolidated government by local Act.[213] Any such local Act requires approval by the voters of the county through a referendum, as well as by the voters of each city participating in the consolidation that contains at least 10% of the total population of the county.[214] The consolidated government of Macon-Bibb County was created by this method in 2014.

Charter Commission

The Constitution specifically authorizes the direct creation of a consolidated government charter commission by local Act.[215] The charter commission is appointed and given the authority to study all issues pertaining to the potential consolidation. Upon review, the commission is given the task of drafting a charter to establish the new consolidated government. The charter also serves to define the powers and jurisdiction

of the new government throughout the limits of the county itself, replacing the existing municipal and county governments.

Following the drafting of a proposed charter — and dependent upon the provisions in the local Act which established the charter commission — it can either become effective without further action by the General Assembly or be made contingent upon its subsequent ratification by local Act.[216] In either case, voter approval through referendum is still required. The consolidated governments of Athens-Clarke, Georgetown-Quitman, Cusseta-Chattahoochee, and Webster counties were created by this method.

Alternative Method Under General Law

In 1986, the General Assembly enacted an alternative method of consolidation, subject to voter approval.[217] Although perhaps less flexible than direct creation by local Act, this alternative method provides numerous optional features, as well as mandatory requirements of a consolidation by local Act.[218]

Mandatory matters include:

1. The creation of a special tax district consisting of the territory lying within the municipality's corporate boundaries so that the successor county government can levy a tax sufficient to retire the municipality's bonded indebtedness outstanding on the effective date of repeal of the municipality's charter.[219]
2. The governing authorities of the affected municipality and county must approve the referendums provided for items 3 and 4 below for effectiveness of local laws therein.[220]
3. The effectiveness of a local law repealing the charter of a municipality shall be contingent upon its approval by a majority of the voters voting within the municipality and upon the parallel local law described by item 4 below becoming effective.[221]
4. The effectiveness of a local law shall be contingent upon its approval by a majority of the voters voting throughout the territorial boundaries of the applicable county and upon the parallel local law described by item 3 above becoming effective.[222]

Optional matters for consideration by counties in consolidation under this method include:

- The form of government of the county which is the successor to the municipality's corporate powers, functions, rights, properties, and obligations.[223]

- The county to constitute a municipality, as well as a county, for the purposes of application of general laws and constitution of this state.[224]
- The exercise by the county of the powers vested in the former municipality and in municipalities generally, as well as the powers vested in the county and counties generally.[225]
- The county to receive any grants or other types of funds or revenues which the former municipality was entitled to receive, as well as grants or other types of funds or revenues which the county is entitled to receive.[226]
- The status of the county relative to any municipalities – other than the municipality having its charter repealed – located wholly or partially within such county.[227]
- The transfer of all assets and properties of the municipality, or municipalities, to the county.[228]
- The assumption by the county of all contractual and other obligations of any constituted municipality.[229]
- The transfer of employees of the municipality, or municipalities, to the county and for the preservation of any rights of such employees and their beneficiaries existing under any retirement or pension system of the municipality.[230]
- Any other matters reasonably necessary or convenient to achieve and implement effectively a governmental reorganization described by O.C.G.A. § 36-68-1.[231]

County Consolidation When No City Exists

Under O.C.G.A. § 36-68-4, a county that is providing at least three services (such as fire protection, police, roads, etc.[232]), has no city, and wishes to constitute itself as a consolidated government, can do so by adopting a resolution that must be approved in a local referendum. The consolidated government of Echols County was created by this method.

Local Constitutional Amendment

The fifth type of consolidation that existed, but which may no longer be used, was through the adoption of an LCA.[233] As Georgia's first consolidated local government, the consolidated government of Columbus-Muscogee County was established under the authority of an LCA in 1970.[234]

The LCA that created Columbus-Muscogee County predated the general provisions of the Constitution now in effect regarding consolidation. The LCA authorized the General Assembly to create a charter commission to draft the new county-wide government. A

subsequent LCA provided for a charter review commission for the consolidated government, where the charter itself is reviewed at ten-year intervals.[235]

See the County Government Structure map for details regarding what counties operate under a consolidated government.

INTERGOVERNMENTAL CONTRACTS

The Constitution sets out the requirements for contracts between units of government,[236] including:

- The state, or any institution, department, or other agency thereof, and any county, city, school district, or other political subdivision of the state may contract for any period not exceeding 50 years with each other or with any other public agency, public corporation, or public authority for joint services, for the provision of services, or for the joint or separate use of facilities or equipment. Any such contracts must deal with activities, services, or facilities which the contracting parties are authorized by law to undertake or provide.[237] For example, a county or a city can borrow and the state can lend funds from and to one another for water or sewerage facilities or systems, regional or multijurisdictional solid waste recycling, or solid waste facilities or systems.
- Any county, city, or political subdivision thereof may, in connection with any authorized intergovernmental contract, convey any existing facilities or equipment to the state or to any public agency, public corporation, or public authority.[238]
- Any county, city, or any combination thereof, may contract with any public agency, public corporation, or public authority for the care, maintenance, and hospitalization of its indigent sick. The contract could include an agreement to pay for the cost of acquisition, construction, modernization, or repairs of necessary land, buildings, and facilities by such public agency, public corporation, or public authority and provide for payment of such services and cost from revenues realized by such county, city, or any combination thereof from any taxes authorized by the constitution or revenues derived from any other source.[239]

CONCLUSION

The relationship between a county and the cities located within its border is vital to providing citizens with quality services on the most basic levels. County and city governments intersect in many complex ways. Understanding the ramifications of what

can happen through these intersections is essential to maintaining cordial relations and effective, efficient government.

---

[1] O.C.G.A. § 36-35-2.
[2] Ga. Const. art. IX, § I, para. I and II.
[3] Ga. Const. art. IX, § II, para. III.
[4] Ga. Const. art. IX, § II, para. III (a)(1)-(14).
[5] Ga. Const. art. IX, § II, para. III (b)(1).
[6] Ga. Const. art. IX, § II, para. III (b)(2).
[7] Ga. Const. art. IX, § II, para. III (b); *Coweta County v. City of Newnan*, 253 Ga. 457 (1984).
[8] In 1982, the Select Committee on Constitutional Revision published a pamphlet entitled *Proposed Constitution of the State of Georgia as approved by the General Assembly of Georgia* with comments. On page 142 of this pamphlet, a comment on Ga. Const. art. IX, Sec. II, Par. III (b), supra, states: "Exceptions to the contracting requirement may be granted *under general or local law* under proposed Par. III (b); they may only be granted under 'local or special law' in the present [1976] Constitution" (emphasis supplied). *Coweta County v. City of Newnan*, 253 Ga. 457, 459 (1984).
[9] Coweta County v. City of Newnan, 253 Ga. 457 (1984).
[10] O.C.G.A. § 6-3-22; *Collier v. City of Atlanta*, 178 Ga. 575, 173 S.E. 853 (1933); *City Council of Augusta v. Garrison*, 68 Ga. App. 150, 22 S.E.2d 412 (1942); *Ball v. Peavy*, 210 Ga. 575, 82 S.E.2d 143 (1954); R. Perry Sentell Jr. (1983) *Additional Studies in Georgia Local Government Law.* Charlottesville, VA: Michie Company. Ch. 9.
[11] O.C.G.A. §§ 36-82-60 through 36-82-85.
[12] O.C.G.A. § 36-82-61(4).
[13] O.C.G.A. §§ 36-61-1 through 36-61-19.
[14] *Macon Assn. for Retarded Citizens v. Macon-Bibb County Planning & Zoning Comm.*, 252 Ga. 484, 489 (1984).
[15] City of Decatur v. DeKalb County, 256 Ga. App. 46 (2002).
[16] The Georgia Municipal Association maintains on its website a guidebook on annexation from a city's point of view, https://www.gacities.com/Resources/GMA-Handbooks-Publications/GMA-Publications/Growing-Cities,-Growing-Georgia-A-Guide-to-Georgia.aspx.
[17] O.C.G.A. § 36-36-16. Discussion of local legislation requirements may be found at http://www.accg.org/locallegislation.php
[18] O.C.G.A. § 36-35-2.
[19] O.C.G.A. § 36-36-16(b).
[20] Id.
[21] O.C.G.A. § 36-36-10.
[22] O.C.G.A. §§ 36-36-20 through 36-36-23.
[23] O.C.G.A. § 36-36-21.
[24] O.C.G.A. § 36-36-20.
[25] O.C.G.A. § 36-36-20(a)(1).
[26] O.C.G.A. § 36-36-20(a)(2).
[27] Id.
[28] O.C.G.A. § 36-36-20(a)(3).
[29] O.C.G.A. § 36-36-20(c).
[30] Cherokee County v. Inline Communities, LLC, 356 Ga. App. 892, 897 (2020).
[31] O.C.G.A. § 36-36-23.
[32] O.C.G.A. § 36-36-23(a).
[33] Id.
[34] Id.
[35] O.C.G.A. § 36-36-23(b).
[36] Id.

[37] O.C.G.A. § 36-36-23(c).
[38] O.C.G.A. § 36-36-23(c)(1).
[39] O.C.G.A. § 36-36-23(c)(2).
[40] O.C.G.A. § 36-36-23(c)(3).
[41] O.C.G.A. § 36-36-23(c)(4).
[42] O.C.G.A. § 36-36-23(d).
[43] Id.
[44] Id.
[45] O.C.G.A. §§ 36-36-30 through 36-36-40.
[46] O.C.G.A. §§ 36-36-30 and 36-36-32.
[47] O.C.G.A. § 36-36-31(a).
[48] O.C.G.A. § 36-36-32(a).
[49] O.C.G.A. § 36-36-36.
[50] O.C.G.A. § 36-36-33.
[51] O.C.G.A. §§ 36-36-50 through 36-36-61.
[52] O.C.G.A. §§ 36-36-57 through 36-36-58.
[53] O.C.G.A. §§ 36-36-56 through 36-36-57.
[54] O.C.G.A. § 36-36-54(a).
[55] O.C.G.A. § 36-36-54.
[56] O.C.G.A. § 36-36-54(b)(1).
[57] O.C.G.A. § 36-36-54(b)(2).
[58] O.C.G.A. § 36-36-54(b)(3).
[59] O.C.G.A. § 36-36-54(b)(4).
[60] Id.
[61] Id.
[62] O.C.G.A. §§ 36-36-54(c) through (d).
[63] O.C.G.A. § 36-36-54(c).
[64] O.C.G.A. § 36-36-54(d).
[65] O.C.G.A. § 36-36-54(b)(3).
[66] O.C.G.A. § 36-36-2.
[67] O.C.G.A. § 36-36-2(a).
[68] Id.
[69] O.C.G.A. § 36-36-2(b).
[70] Id.
[71] O.C.G.A. § 36-36-2(c)(1).
[72] O.C.G.A. § 36-36-2.
[73] O.C.G.A. § 36-36-113(a).
[74] O.C.G.A. § 36-36-113(b).
[75] O.C.G.A. § 36-36-113(d)(1)(A)(B).
[76] O.C.G.A. § 36-36-113(d)(2).
[77] O.C.G.A. §§ 36-36-110 through 36-36-119 apply to disputes arising on or after September 1, 2007, while O.C.G.A. § 36-36-11 applied to disputes arising prior to that date.
[78] O.C.G.A. § 36-36-111.
[79] O.C.G.A. § 36-36-112.
[80] O.C.G.A. § 36-36-118.
[81] O.C.G.A. § 36-36-110.
[82] O.C.G.A. § 36-36-113(c).
[83] O.C.G.A. § 36-36-114(a)(b).
[84] O.C.G.A. § 36-36-114(b).
[85] Id.
[86] O.C.G.A. § 36-36-114(c).

[87] Id.
[88] O.C.G.A. § 36-36-114(d).
[89] O.C.G.A. § 36-36-115(a)(1).
[90] Id.
[91] Id.
[92] Id.
[93] O.C.G.A. § 36-36-115(a)(2)(A).
[94] O.C.G.A. § 36-36-115(a)(2)(B).
[95] O.C.G.A. § 36-36-115(a)(2)(C).
[96] O.C.G.A. § 36-36-115(a)(2)(D).
[97] O.C.G.A. § 36-36-115(a)(2)(E).
[98] O.C.G.A. § 36-36-115(a)(2)(F).
[99] O.C.G.A. § 36-36-115(a)(2)(G).
[100] O.C.G.A. § 36-36-115(a)(4).
[101] Id.
[102] O.C.G.A. § 36-36-115(a)(5).
[103] O.C.G.A. § 36-36-115(b).
[104] O.C.G.A. § 36-36-116.
[105] Id.
[106] Id.
[107] Id.
[108] Id.
[109] Id.
[110] O.C.G.A. § 36-36-118.
[111] O.C.G.A. § 36-36-117.
[112] Id.
[113] O.C.G.A. § 36-36-119.
[114] Id.
[115] Id.
[116] O.C.G.A. § 36-36-1.
[117] O.C.G.A. § 36-36-3.
[118] O.C.G.A. § 36-36-4.
[119] O.C.G.A. § 36-36-6.
[120] Id.
[121] Id. Discussion of advertising requirements and other matters pertaining to local legislation may be found at http://www.accg.org/locallegislation.php.
[122] O.C.G.A. § 36-36-9.
[123] O.C.G.A. § 36-36-7.
[124] O.C.G.A. § 36-36-9.
[125] O.C.G.A. § 36-36-7.
[126] Id.
[127] O.C.G.A. § 36-36-8.
[128] O.C.G.A. § 36-35-2(a).
[129] O.C.G.A. § 36-35-2(b).
[130] O.C.G.A. § 36-36-22.
[131] O.C.G.A. §§ 36-36-20 and 36-36-22.
[132] O.C.G.A. § 36-36-22.
[133] Id.
[134] Id.
[135] Id.
[136] Id.

[137] Id.
[138] O.C.G.A. § 36-36-10.
[139] O.C.G.A. § 36-35-2.
[140] O.C.G.A. §§ 36-31-1 through 36-31-12. A city can also be referred to a municipal corporation.
[141] O.C.G.A. § 36-31-3.
[142] O.C.G.A. § 36-31-4.
[143] Id.
[144] Id.
[145] Id.
[146] House Rule 36 (2021-2022). The House Rules can be located at https://www.legis.ga.gov/house/clerk. See also Senate Rule 10-1.2 (2021-2022). The Senate Rules can be located at https://www.legis.ga.gov/senate/secretary.
[147] Rule 10 of the Senate Committee on State and Local Governmental Operations (2021-2022).
[148] Id.
[149] Id.
[150] Rule 3 of the House Committee on Governmental Affairs (2021-2022).
[151] O.C.G.A. § 36-31-7.1.
[152] O.C.G.A. § 36-31-11.
[153] O.C.G.A. § 36-31-11.1.
[154] O.C.G.A. §§ 48-8-82 and 48-8-89(d)(1).
[155] O.C.G.A. § 48-8-91.
[156] O.C.G.A. § 48-8-89.
[157] O.C.G.A. § 48-8-89.1.
[158] O.C.G.A. § 48-8-80 et seq.
[159] O.C.G.A. § 48-8-110.1.
[160] O.C.G.A. § 48-13-1 et seq.
[161] Id.
[162] O.C.G.A. § 48-13-6(a).
[163] O.C.G.A. § 48-13-6(b).
[164] O.C.G.A. §48-13-6(a).
[165] O.C.G.A. § 33-8-8.1(b)(1).
[166] O.C.G.A. § 33-8-8.1(b)(2).
[167] O.C.G.A. § 33-8-8.2(a).
[168] O.C.G.A. §§ 33-8-8.1(c)(3) and (g).
[169] O.C.G.A. § 33-8-8.1(d)(1).
[170] O.C.G.A. § 33-8-8.3.
[171] O.C.G.A. § 33-8-1 et seq.
[172] O.C.G.A. § 32-4-1(2).
[173] O.C.G.A. § 32-4-1(3).
[174] O.C.G.A. § 32-5-27(d).
[175] O.C.G.A. § 48-13-50 et seq.
[176] O.C.G.A. § 48-13-51(a)(1)(A).
[177] O.C.G.A. §§ 48-13-51(a)(1)(D) and 48-13-51(b)(2).
[178] O.C.G.A. § 48-13-51(a)(5.2)(B).
[179] O.C.G.A. § 48-13-51.
[180] O.C.G.A. § 3-4-80(a).
[181] O.C.G.A. § 3-4-80.
[182] O.C.G.A. §§ 3-4-130 and 3-4-131.
[183] O.C.G.A. § 3-5-80.
[184] Id.
[185] O.C.G.A. § 3-6-60(a).
[186] O.C.G.A. § 3-6-60.

[187] O.C.G.A. §§ 3-4-1 et seq., 3-5-1 et seq., and 3-6-1 et seq.
[188] O.C.G.A. §§ 3-2-3.1 and 3-2-6.
[189] O.C.G.A. §§ 3-4-47 and 3-4-48.
[190] O.C.G.A. § 3-1-1 et seq.
[191] See also 47 U.S.C. §§ 541 and 542; 47 C.F.R §§ 76.41 through 76.43; O.C.G.A § 36-18-2.
[192] O.C.G.A § 36-18-2.
[193] Id.
[194] O.C.G.A. § 36-18-1 et seq.
[195] O.C.G.A. §§ 48-5C-1 and 48-5C-1(d)(1).
[196] O.C.G.A. § 48-5C-1(b)(1).
[197] O.C.G.A. §§ 48-5C-1(b)(1)(B) and 48-5C-1(c).
[198] O.C.G.A. § 48-5C-1.
[199] O.C.G.A. §§ 48-13-112(a)(1) through (2).
[200] O.C.G.A. § 48-13-112.
[201] O.C.G.A. § 48-13-111.
[202] O.C.G.A. § 48-13-110 et seq.
[203] O.C.G.A. §§ 36-71-1 through 3.
[204] O.C.G.A. § 36-71-2(17).
[205] O.C.G.A. § 36-71-1.
[206] O.C.G.A. § 36-71-1 et seq.
[207] O.C.G.A. § 15-16-13. In counties with less than 900,000 population, sheriffs – with the consent of the county – may contract with cities to provide law enforcement functions on behalf of the city. The city is required to reimburse the county general fund for costs incurred by the sheriff, including compensation and other personnel costs, as cost of equipment, materials, supplies, and utilities.
[208] O.C.G.A. § 15-21-91 et seq.
[209] Ga. Const. art. IX, § I, para. II(a).
[210] Ga. Const. art. IX, § I, para. II(c).
[211] A city county consolidation is not required to include all cities in a county. For example, the City of Winterville is not included in the Unified Government of Athens-Clarke County. *See* Athens-Clarke County, Ga., County Code, art. I, § 1-101(a).
[212] Although prior constitutions specifically allowed local constitutional amendments, Ga. Const., art. X, § I, para. I currently requires all constitutional amendments to be general and to have uniform applicability throughout the state.
[213] Ga. Const. art. IX, § III, para. II(a).
[214] Id.
[215] Id.
[216] Id.
[217] Ga. Const. art. IX, § III, para. II(b); O.C.G.A. § 36-68-1 et seq.
[218] O.C.G.A. §§ 36-68-2 and 36-68-3.
[219] O.C.G.A. § 36-68-3(a)(1).
[220] O.C.G.A. § 36-68-3(a)(2).
[221] O.C.G.A. § 36-68-3(a)(3).
[222] O.C.G.A. § 36-68-3(a)(4).
[223] O.C.G.A. § 36-68-2(a)(1).
[224] O.C.G.A. § 36-68-2(a)(2).
[225] O.C.G.A. § 36-68-2(a)(3).
[226] O.C.G.A. § 36-68-2(a)(4).
[227] O.C.G.A. § 36-68-2(a)(5).
[228] O.C.G.A. § 36-68-2(a)(6).
[229] O.C.G.A. § 36-68-2(a)(7).
[230] O.C.G.A. § 36-68-2(a)(8).

[231] O.C.G.A. § 36-68-2(a)(9).
[232] O.C.G.A. § 36-30-7.1. The complete list of services includes law enforcement, fire protection (even if provided by a volunteer fire department) and/or fire safety, road and street construction or maintenance, solid waste management, water supply and/or distribution, wastewater treatment, stormwater collection and disposal, electric and/or gas utility services; enforcement of building, housing, plumbing, and electrical codes and other similar codes, planning and zoning, and/or recreational facilities.
[233] Ga. Const. art. X § I, para. I and art. XI, § I, para. IV.
[234] Ga. L. 1968, p. 1508.
[235] Ga. L. 1980, p. 2045.
[236] Ga. Const. art. IX, § III, para. I.
[237] Ga. Const. art. IX, § III, para. I(a).
[238] Ga. Const. art. IX, § III, para. I(b).
[239] Ga. Const. art. IX, § III, para. I(c).