

# 2019 LEGISLATIVE *toolkit*



**ACCG**

Advancing Georgia's Counties.

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## Dear ACCG Members and Partners in County Government,

Georgia is continuously recognized as a national model in many policy areas. As we prepare for the upcoming legislative session, we must continue to foster the critical relationships—those between our state and local government officials – that establish the tone for that success. In efforts to help ensure that county government officials fulfill their role in fostering those relationships, ACCG is providing its members and partners in county government with this 2019 Legislative Toolkit. The 2019 ACCG Legislative Toolkit will inform individuals about key issues of significance to counties with policy briefs on each of the association’s top funding and legislative priorities as well as the association’s Guiding Principles and the Policy Agenda as defined by the entire ACCG membership. This tool will also aid Georgia’s county officials in becoming more engaged in the state’s policymaking process while asserting the collective voice of county commissioners in legislative affairs.

As you will see in the enclosed document, ACCG’s top funding priorities for the 2019 session include full state funding for new voting equipment that is expected to be deployed in 2020 and funding for additional behavioral health crisis centers to help divert the mentally ill from county jails. The legislative priorities include incentivizing broadband deployment in the rural areas of the state and protecting local control of the county right-of-way during the deployment of 5G wireless equipment; protecting local authority to place fees on the property tax bill; and increasing the local tag and title fees to cover the cost incurred by the tax commissioner to process tags and titles for the state. The enclosed policy briefs include more detail on each issue including background information as it pertains to county governments, the status of the issue, and talking points. As there are a number of issues that will arise during the session that will impact counties, ACCG has also included other significant items it will pursue in the Policy Agenda.

It is our hope that this information will contribute to constructive and productive dialogue that will result in a benefit to Georgians everywhere. ACCG looks forward to continuing its work of advancing Georgia’s



counties while best serving in its role as a key player in the state’s government arena. County officials and partners in county government are encouraged to use this toolkit throughout the legislative process. Please do not hesitate to contact a member of the association’s policy team if they can be of any assistance as we all work to progress Georgia’s position as a national model for effective and efficient government.

Sincerely,

Harry Lange

ACCG President and Harris County Chairman

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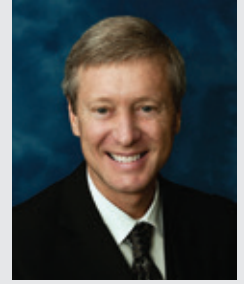
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# 2019 FUNDING & LEGISLATIVE PRIORITIES

## FUNDING PRIORITIES

### **Replacing Georgia's Voting Equipment**

ACCG commends the 2018 creation of the Secure, Accessible and Fair Elections (SAFE) Commission to examine the replacement of Georgia's dated voting equipment and appreciates its inclusion of county elections officials to provide local input in the process. The Association urges that any resulting legislation include provisions which replace voting equipment with the same technology statewide, is fully funded by the state, administratively feasible, produces a voter-verified paper trail, easily audited, secure from outside hacking and tampering, and relatively user-friendly. Furthermore, ACCG encourages the state to continue working with, and providing funding to, counties to adequately train local elections officials on the use of the selected technology, its maintenance and its replacement, when needed.

### **Lack of Appropriate Mental Health and Substance Abuse/Prevention Services**

ACCG urges the General Assembly to begin the development of regional systems of care for mental health and substance abuse services to divert citizens in crisis from local jails to appropriate treatment services. Furthermore, ACCG recommends that the General Assembly fund at least two additional Behavioral Health Crisis Centers (BHCC) each fiscal year. These centers provide a secure location for law enforcement to take those in a mental health crisis in lieu of jail or the local emergency room, thereby eliminating the need for expensive transport services via sheriffs' offices and the mental and physical health treatment costs to local governments. BHCC's will provide walk-in services to citizens and their families who are seeking mental health or substance abuse services.

## LEGISLATIVE PRIORITIES

### **Enhanced Wireless Service, Small Cell Deployment and Local Government Right-of-Way**

ACCG recognizes and supports the need to expand affordable, reliable and enhanced wireless and broadband access throughout Georgia and has suggested many policy approaches to enhance counties' partnership with the state and telecommunications industry in facilitating this deployment. While accommodating small cell equipment in the public's right-of-way (ROW) will play a critical role with enhancing this connectivity, counties must maintain their ability to balance this access with their role of protecting the public health, safety and welfare and managing the taxpayer's ROW investment. Accordingly, ACCG opposes state legislation which preempts or otherwise diminishes counties' ability to responsibly regulate their community's ROW. Should the General Assembly insist on preempting local governments in this area through legislation, safeguards must be included which prohibit unfettered and unregulated deployment of small cell equipment in the ROW, allow appropriate community input in the process, and ensure that taxpayers are duly compensated for the use of this public asset. Furthermore, ACCG urges the General Assembly to place just as high a priority on expanding broadband service to rural and unserved areas of Georgia, including the explicit authorization for the state's publicly and member-owned utilities to provide broadband service.

### **Fees on Property Tax Bills**

Local elected officials and their citizens should control the substance of what will or will not be placed on a local property tax bill. The potential use of fees allows county governments to pay for some services in a manner that more closely approximates the users' demand and usage of the service. Most of those services could be paid for through property tax but the financial burden could only be distributed based upon the value and taxability of a person's property. Charging a fee for a service allows the the costs for that service to be spread more equitably. The charging of fees for particular services, through the creation of special districts or otherwise, has long been an appropriate legal manner to fairly distribute costs for services to specific users of a provided service. To make fees a viable option to the property tax, they must be easy to administer and collect. Having the option to collect fees on the property tax bill ensures that the fees can be collected efficiently. ACCG asks the General Assembly to protect this important local tool for charging a fee for service as an alternative to the property tax.

### **Tag and Title Agent Fees**

Although tag and title administration is a state function, counties currently provide most of the equipment and personnel for administering the tag and title system but have not received an increase in compensation for such services. The costs to counties for these functions are increasing, particularly in light of the state's transition to a new computerized title, tag, and driver records system. Currently, counties receive only \$.50 for each title processed and \$1.00 for each tag processed. ACCG recommends that title fees and the tag fee be raised to an amount that fully funds the cost of providing the service, with all of these additional funds being paid to the counties to help pay for the operations of county tax commissioners' offices.



## BACKGROUND

Throughout the 1990s, election technology ran the gamut in Georgia with voters using paper ballots, lever machines, punch cards, or optical scans. In 2002, following several well-publicized issues of miss-cast and uncounted ballots during the 2000 presidential election, the state elected to update its voting equipment. Knowing that Georgia counties could not afford this replacement, the state issued over \$53 million in bonds to buy approximately 19,000 uniform, Direct Recording Electronic (DRE) machines to be deployed statewide. The General Assembly also appropriated over \$4 million for training and instructional materials for county elections officials to operate the new technology. While these machines have served the state well, they have become outdated and recent concerns over their susceptibility to hacking and tampering have surfaced.

## COUNTY INTEREST

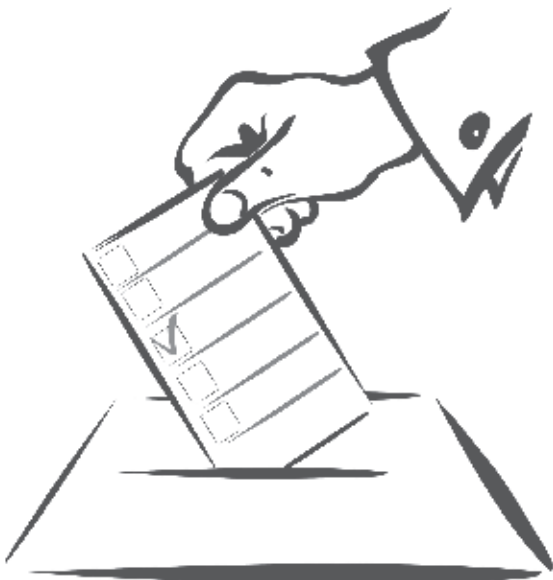
As part of the 2002 effort, Georgia also changed state law to require that all equipment used in casting and counting votes in the state be the same "provided that the General Assembly specifically appropriates funding to the Secretary of State" to purchase the equipment. Accordingly, counties today cannot use different equipment, nor can the state require upgraded equipment statewide, unless the state pays for it – or unless state law is changed. ACCG believes this law has served Georgia voters well and commends the state for adopting it; for funding and providing uniform, statewide equipment; and urges that the state once again fund the replacement of DRE voting machinery.

## STATUS

During the 2018 legislative session, several bills were introduced to require the replacement of Georgia's voting equipment. While none of these bills passed, following the session, the Georgia Secretary of State created the Secure, Accessible and Fair Elections (SAFE) Commission to examine this replacement. ACCG commends the Commission's inclusion of county elections officials to provide local input in the process. The Commission's recommendations may well serve as the basis upon which next year's legislation is formed and by which new voting equipment is purchased.

## TALKING POINTS

Whatever recommendations come from the SAFE Commission, ACCG urges that any resulting legislation or state action include provisions which replace voting equipment with uniform technology, statewide; is fully funded by the state; administratively feasible; produces a voter-verified paper trail; easily audited; secure from outside hacking and tampering; and relatively user-friendly. Furthermore, ACCG encourages the state to continue working with, and providing funding to, counties to adequately train elections staff on the use of the technology and any future challenges which may occur with its usage.





## BACKGROUND

The Department of Behavioral Health and Developmental Disabilities (DBHDD) entered into a settlement agreement on October 29, 2010, which required the state to reduce the number of hospital beds for behavioral health and developmental disability patients and that those patients must be transitioned to local communities for housing and treatment services. Over the course of the settlement agreement and its extension, there has been a substantial reduction in inpatient beds at state hospitals. In October 2010, seven state hospitals served people with a developmental disability and/or a mental illness with a total capacity of 2,436 inpatient beds. There are now five state hospitals and as of February 2018, there were 625 individuals in forensic units at the state hospitals, 35 of which are solely developmentally disabled, with the remainder being mental health forensic patients. This represents an approximate 75 percent reduction in the number of state hospital beds over the course of the agreement.

## COUNTY INTEREST

The reduction of beds has resulted in a total lack of services at the local level for the severely mentally ill and the local jails have become the de facto mental health hospitals. Local county jails are not equipped to provide appropriate mental health services, and the cost of housing these inmates significantly impacts local budgets.

## STATUS

During the previous legislative session, additional funding was made available for children's mental health services, but there were no increases for adult mental health and substance abuse services. It is imperative that the Governor and legislature begin providing meaningful funding for the services at the local level.

## TALKING POINTS

- Develop Regional Systems of Care for Mental Health and Substance Abuse Services to Divert Citizens in Crisis from Local Jails to Appropriate Treatment Services. The state legislature must provide additional funding for mental health services which includes substance abuse treatment and prevention funding. ACCG strongly recommends that the state legislature fund at least two Behavioral Health Crisis Centers (BHCC) each fiscal year. These centers provide a secure location for law enforcement to take those in a mental health crisis in lieu of jail or the local emergency room, thereby eliminating the need for expensive transport services via the sheriff's office and the mental and physical health costs to local governments. BHCC's will provide walk-in services to citizens and their families who are seeking mental health or substance abuse services.
- Provide Incentive Grant Funding to Community Service Boards for Evaluation and Treatment of Individuals in Local Jails to Divert and Decrease Jail Population. Far too many individuals are housed for extended periods of time in local jails awaiting forensic evaluations to determine competency to stand trial. While awaiting evaluations, these citizens do not receive adequate mental health treatment. It is a moral obligation to see that appropriate treatment is given within a reasonable time frame. Local taxpayers should not bear the expense of housing and providing mental and physical health care to inmates for long periods of time while awaiting evaluation.
- Increase Funding to Community Service Boards for Core Services. There have not been increases in the funding to local community service boards for core services that are in high demand at the local level. The opioid crisis has increased the number of individuals requiring services, therefore increased funding is a necessity to meet this ever-growing need at the local level.



## BACKGROUND

ACCG recognizes and supports the need to expand affordable, reliable and enhanced wireless and broadband access throughout Georgia. The association has suggested many policy approaches to strengthen counties' partnership with the state and telecommunications industry in facilitating this deployment. While accommodating small cell poles and equipment in the public's right-of-way (ROW) will play a role in advancing this connectivity in certain areas, counties must maintain their ability to balance this access with their role of protecting the public health, safety and welfare and managing the taxpayer's ROW investment. Accordingly, ACCG has great concern with any state legislation which preempts or otherwise diminishes counties' ability to responsibly regulate their community's ROW.



## STATUS

Several bills have been introduced over the past two years containing preemptive ROW language that causes county concern. ACCG continues to work with the Georgia Municipal Association, wireless providers and other stakeholders to try to find a compromise which balances future wireless technology needs and the deployment of small cell technology with appropriate ROW management. There will most likely again be legislation introduced in 2019 in this regard, and ACCG has been tasked by legislative leadership to try to reach this compromise.

## TALKING POINTS

Should the General Assembly elect to pass legislation establishing a statewide, streamlined process for local governments permitting small cells and equipment in their ROW, ACCG urges the following issues, at a minimum, be addressed to the satisfaction of county governments:

- Authorize only sensibly-sized small cell poles, antennas and related equipment
- Emphasize the collocation of equipment on existing poles, rather than constructing new ones
- Work out a streamlined, statewide process to place equipment on EMC poles, further encouraging and incentivizing collocation
- Ensure that whatever rules apply to local government ROW also apply to state ROW
- Establish adequate fees for local governments in ROW permitting and reasonable annual ROW occupancy rates, particularly since these wireless providers will not be paying franchise fees. This ensures that local taxpayers are not subsidizing this deployment
- Provide local governments adequate time to consider and act on permit applications
- Require this equipment be moved in a timely manner for road widening or repair projects
- Ensure that whatever damage done to the ROW is fixed, and funded, by wireless providers
- Protect the character of historic districts and areas with decorative poles and undergrounding from unsightly, unwieldy deployment
- Ensure local government discretion over deployment in residential areas
- Require that small cell equipment is removed from the ROW when it is abandoned
- Prohibit speculative poles and equipment from being installed
- Allow local government to adopt adequate spacing requirements to protect the ROW
- Address other issues of local, community importance in the deployment process
- Prioritize the expanding broadband service to rural and unserved areas of Georgia
- Explicitly authorize EMCs to provide broadband service







## BACKGROUND

At least 50 counties currently place one or more fees on property tax bills for services such as sanitation, stormwater, streetlights, fire, ambulance, indigent care, and nuisance abatement. Having the option to collect fees on the property tax bill ensures that the fees can be collected efficiently. Experience of local governments has shown that removing fees from property tax bills causes collection rates to drop from the more than 90 percent range to the 70-80 percent range.

## COUNTY INTEREST

Local elected officials and their citizens should control the substance of what will or will not be placed on a local property tax bill. The potential use of fees allows county governments to pay for some services in a manner that more closely approximates the users' demand and usage of the service. Most of those services could be paid for through property tax but the financial burden could only be distributed based upon the value and taxability of a person's property. Charging a fee for a service allows the costs for that service to be spread more equitably. The charging of fees for particular services, through the creation of special districts or otherwise, has long been an appropriate legal manner to fairly distribute costs for services to specific users of a provided service. To make fees a viable option to the property tax, they must be easy to administer and collect. ACCG asks the General Assembly to protect this important local tool for charging a fee for service as an option in place of the property tax.

## STATUS

During the previous legislative session, bills were introduced to prohibit local governments from placing non-tax related fees or assessments on property tax bills.

## TALKING POINTS

- The decision on whether to place fees on tax bills should be left to local governments and their citizens.
- Separate billing, if mandated by the state, will result in higher administrative costs, even if multiple bills are placed in one mailing; multiple bills will cause citizen confusion.
- If collection rates were to decrease, counties will be faced with alternatives that are not pro-citizen:
  - Fees could be raised to make up for uncollected fees, punishing those who do pay their bills.
  - Fees could be discontinued and the service added to the property tax millage rate— meaning that 1) lack of payment could result in a property tax lien and 2) the cost of a service would no longer be paid in proportion to use of the service





## BACKGROUND

State law requires county tax commissioners to act as agents of the state in the issuance of vehicle titles, license plates, and annual registration decals. However, the state does not provide funding to counties to cover the expenses of fulfilling these tag-and-title duties. Counties are entitled to retain only \$.50 for each title processed and \$1.00 for each tag processed. The 50 cent title fee has been unchanged since 1985, and the \$1.00 tag fee has been unchanged since 1992.

## COUNTY INTEREST

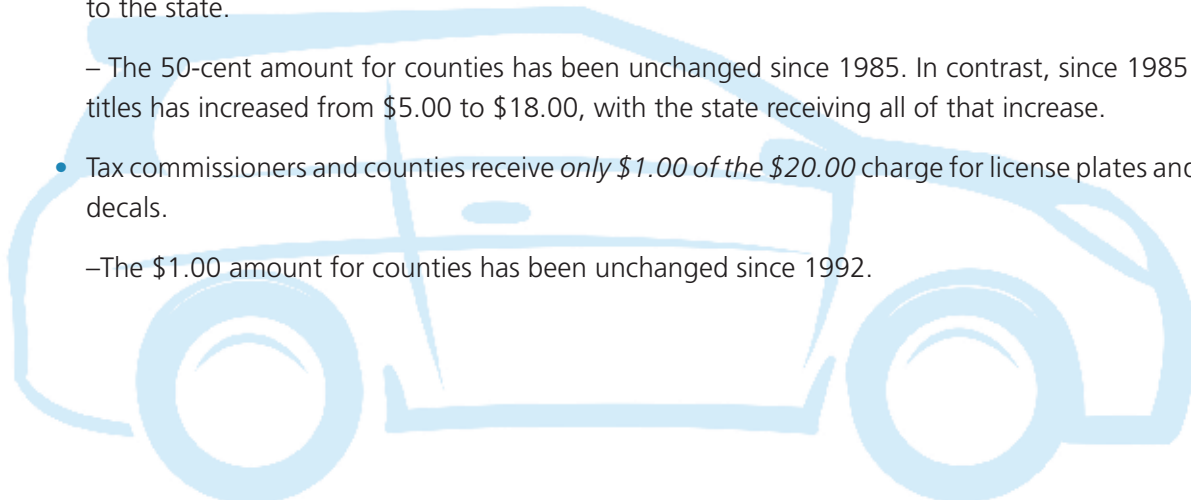
County governments currently provide most of the funding for equipment and personnel for administering the state tag and title system. The costs to counties for these functions are increasing, particularly in light of the state's transition to a new computerized title, tag, and driver records system, known as DRIVES. While county tag offices will be required to use the DRIVES system, the state is not providing funding to counties for equipment upgrades necessary to utilize that system.

## STATUS

Historically, the state's financial support for county tag offices' performance of these state functions has been minimal. The state has provided a dedicated internet connection to connect county tag agents to the centralized state vehicle systems, and in 2018 the General Assembly appropriated funds to pay for internet connections between the state and counties for the new DRIVES integrated tag/title/driver records system. However, the state does not provide other direct funding to support county tag office functions.

## TALKING POINTS

- Despite the fact that vehicle titles, license plates, and registration decals/tags are part of a statewide system regulated by the state, Georgia's counties provide the funding for operations and personnel for those functions.
- Counties are incurring substantial costs for equipment upgrades necessary to provide these services through the state's new DRIVES tag/title/driver records system. The state is requiring counties to be ready to implement that system beginning in 2019.
- Tax commissioners and counties receive *only 50 cents of the \$18.00* charge for vehicle titles; the remainder goes to the state.
  - The 50-cent amount for counties has been unchanged since 1985. In contrast, since 1985 the total charge for titles has increased from \$5.00 to \$18.00, with the state receiving all of that increase.
- Tax commissioners and counties receive *only \$1.00 of the \$20.00* charge for license plates and annual registration decals.
  - The \$1.00 amount for counties has been unchanged since 1992.



# 2019 POLICY AGENDA

## Economic Development and Transportation

**ISSUE** **Urban and Rural Transit Systems:** ACCG urges the General Assembly to provide both capital and operating financial assistance to Georgia's transit systems, both urban and rural. Such assistance should not only meet but exceed state matching requirements to receive federal transit funds. In addition, ACCG encourages the state to provide technical and financial support to address gaps in service coverage where counties are "trending urban" and in counties where public transit services are not available.

**ISSUE** **Georgia's Airport System:** Georgia's 104 air carrier and general aviation airports support economic development statewide. The full development of Georgia's airport system is essential to the state's economic development efforts and participation in the global economy. Our publicly-owned airports are facing challenges in meeting safety-related, preventative pavement maintenance, rehabilitation and capital needs. ACCG endorses a state funding level for airport projects sufficient to meet the active Capital Improvement Program (CIP) requests of local governments. ACCG supports the transfer of state taxes collected on the sale of aviation fuel from the state's general fund to a dedicated fund for the improvement of public use airports throughout Georgia. The Association also encourages the state to consider providing funding for land acquisition, which is essential for local airport enhancements.

**ISSUE** **Business and Redevelopment Incentives:** Enhancing Georgia's competitive position in the global market is crucial to economic development in counties. ACCG supports targeted state incentives to promote business development and to recruit companies to the state. ACCG supports extending the jobs tax credit program (or other state-led incentives) to businesses impacted by natural disasters that rebuild in counties declared a "Federally Declared Disaster Area".

## Health and Human Services

**ISSUE** **Availability of Forensic Evaluators for Accused Persons Held in Local Jails:** Far too many individuals are housed for long periods of time in county jails awaiting forensic evaluations to determine competency to stand trial. While awaiting evaluations, these citizens do not receive adequate mental health treatment. It is a moral obligation to see that appropriate treatment is given within a reasonable time frame. Local taxpayers should not bear the expense of housing and providing mental and physical health care to inmates for long periods of time while awaiting a forensic evaluation. ACCG urges the Governor and the General Assembly to provide incentive grant funding to community service boards, through the Department of Behavioral Health and Developmental Disabilities, to fund additional resources for the evaluation and treatment of individuals in local jails to divert and decrease jail populations.

**ISSUE** **Increase Funding to Community Service Boards for Core Services:** There have not been increases in the funding to local community service boards for core services that are in demand at the local level. The opioid crisis has increased the number of individuals seeking and requiring services for addiction services. ACCG urges the Governor and the General Assembly to provide increased funding for core mental health and substance abuse services to meet the ever-growing need at the local level.

## Natural Resources and the Environment

**ISSUE** **Redirection of Dedicated Fees:** ACCG supports the legislative intent for various fees collected at the state level to go toward their statutorily-designated purposes. Fees purportedly established to fund the Hazardous Waste Trust Fund, Solid Waste Trust Fund, and Peace Officers and Prosecutors Training Fund, among others, are charged to and paid by businesses, local governments, and the citizens of Georgia. However, to the detriment of local governments and the communities they serve, revenues from these funds have been substantially redirected over the past decade to help balance the state's budget. To end the practice of these fees becoming taxes that bolster the state's general fund, ACCG urges the General Assembly to adopt one or more constitutional amendments creating constitutional trust funds to truly dedicate these fees to their intended purposes.

## Public Safety and the Courts

**ISSUE** **Correction to Legislative Change Regarding Stopped School Buses:** Legislation was passed during the 2018 session that removed the requirement that traffic stop for a school bus with the visual sign out on a four-lane road divided by a turn lane. Prior to the passage of the bill in the 2018 session, oncoming traffic was required to stop unless there was a median (concrete or grass) between the four lanes. The change has caused confusion resulting in an increase in motor vehicle accidents. Prosecutors are also reporting a backlog of cases for rear-end crashes that cannot be prosecuted. ACCG encourages the General Assembly to clarify the statute to ensure public safety on the roadways for school buses and students.

# 2019 POLICY AGENDA

**ISSUE Increase the Daily Per Diem Rate for Local County Correctional Institutions:** Currently the contracts between the counties and the Georgia Department of Corrections (DOC) provide for a daily \$20.00 rate for housing state inmates. Skyrocketing medical and housing costs are creating a very real hardship for counties to continue operating these local facilities. In order for counties to continue to operate these vital facilities for state inmates, ACCG recommends that the Governor and the General Assembly increase the daily reimbursement rate to \$25.00 per inmate.

**ISSUE Eliminate Contingent Expenses for Court Reporters in Single County Circuits:** Current statute provides that official court reporters are eligible to receive a contingent expense stipend to offset travel costs. That amount is set by statute and increases with the number of counties in the circuit. Currently, single county circuit official court reporters are eligible for \$80.00 per month in contingent expenses. ACCG recommends eliminating the \$80.00 per month contingent expense requirement for official court reporters in single county circuits, in particular state court official court reporters, who do not travel and are fully reimbursed by the counties.

## Revenue and Finance

**ISSUE Sales Tax Refunds of Local Significance:** Under current state law, the Georgia Department of Revenue (DOR) makes decisions on requests for sales tax refunds without providing details to local governments; rather, local governments generally have future sales tax receipts reduced when DOR grants such refunds, which can have large impacts on existing county budgets. State law does require DOR to provide notice of refund claims that are expected to exceed 10 percent of a local government's annual sales tax proceeds, but does not require disclosure of the time frame involved in the refund request or which local sales taxes were implicated by the refund request. In order that counties may comply with the spending restrictions imposed under various sales tax laws (for example, SPLOST and T-SPLOST), at a minimum the General Assembly should require DOR to provide counties and other local governments with information on 1) the amount of each refund request attributable to each local government; 2) the time period for which sales taxes are being refunded; and 3) how much of each final refund is attributed to each local sales tax in place for the time period in question. Additionally, local governing authorities should be authorized to discuss such refunds in executive session, and refunds should be deducted from future payments to local governments over the same amount of time over which the overpayments were made without incurring any additional interest costs. Finally, the current optional review of such refund requests by the Department of Audits should be made mandatory.

**ISSUE Title Ad Valorem Tax (TAVT) — Valuation of Used and Trade-In Vehicles:** Title Ad Valorem Tax (TAVT) is calculated by taking a vehicle's taxable value, subtracting the value of any trade-in vehicle from that amount, and then multiplying that difference by the applicable tax rate. For new vehicles, the taxable value is the higher of the value listed in the Georgia Department of Revenue (DOR) assessment manual or the actual sale price of the vehicle. In contrast, the taxable value of a used vehicle is the value listed in the DOR assessment manual, notwithstanding the fact that the actual, negotiated sale price is generally higher than the DOR value. Additionally, the value of trade-ins is not similarly tied to objective measures, thereby inviting dealers to inflate the reported value of trade-ins to eliminate most or all of the taxable value of the purchased vehicle.

ACCG asks the General Assembly 1) to value used vehicles for TAVT purposes in the same manner as new vehicles, at the higher of DOR value or actual sale price or 2) to limit the value of trade-ins to no more than the DOR values. Addressing abuse of this system could also be aided by substantially increasing state and local penalties for falsifying bills of sale or other documentation submitted to tax authorities and by clarifying the roles of local governments and the Department of Revenue in auditing and investigating reports of fraud.

## Federal

**ISSUE Broadband/Telecommunications:** ACCG recognizes the critical importance of, and fully supports, expanding affordable broadband access throughout Georgia and stands ready to work with federal, state and industry partners to facilitate this deployment. While accommodating broadband equipment in the public's right-of-way (ROW) may play a critical role in enhancing broadband connectivity, counties must maintain their ability to balance this access with their role of protecting the public health, safety and welfare and managing the taxpayer's ROW investment. Accordingly, ACCG opposes any federal legislation or rules which preempt or otherwise diminish counties' ability to regulate their community's ROW.

**ISSUE Collection of Existing Sales Taxes on Remote and Online Sales:** ACCG supports the collection of remote sales (this includes online and catalog sales) and encourages Congress to pass legislation that would assist state and local governments to uniformly collect and enforce existing state sales tax laws on remote purchases. State and local governments have lost billions of dollars in uncollected sales taxes over the past few years, and sales in e-commerce are projected to continue increasing.

**ISSUE Infrastructure Investment / Truck Weight Increases:** Counties play a critical role in our state's transportation system with county governments owning and maintaining 70 percent of all public roads in Georgia. ACCG encourages Congress to allocate funding for locally owned public infrastructure, which includes surface transportation projects, bridges, transit systems and airports and involve local governments in the decision making process. In addition, ACCG urges Congress to refrain from passing legislation that increases allowable weight limits on local roads and bridges. Increasing the weight limits contributes to the rapid deterioration of local road and bridge infrastructure.

# ACCG GUIDING PRINCIPLES

## LOCAL ISSUES

ACCG provides a common platform that allows counties to maximize their legislative influence by making requests of the General Assembly and Congress through a unified effort. Through ACCG's policy development process, a policy platform is adopted, containing issues of significant importance to all counties or a reasonable portion of them. ACCG will not become directly involved in lobbying local legislation or general legislation that is drafted to affect only one county. ACCG will, however, notify the affected county of the pending legislation and will, at the request of the county, provide technical assistance. ACCG urges members of the General Assembly to refrain from passing this type of legislation without the support of the county governing authority. Where legislation will benefit some counties at the expense of others, ACCG will notify all counties of the potential benefits and consequences of the legislation, but will not take a position.

## HOME RULE

Home rule is the right of the people to determine and implement a public policy at the grassroots level. Home rule power is conferred on Georgia counties by Article IX, Section II, Paragraph I of the Georgia Constitution. Local governing authorities have the power to adopt ordinances, resolutions, or regulations relating to its property, affairs, and local government, as long as they are not inconsistent with state law or the Georgia Constitution. Although state laws may define minimum standards, they should not preempt counties from passing ordinances that establish a more stringent standard for their communities. The preservation of administrative and fiscal home rule authority allows counties to develop and implement community-based solutions to local problems. ACCG believes that counties, as the government closest to the people, are the most appropriate authority to serve the needs and requirements of the community.

## COST SHIFTING

A state directive that compels local governments to provide a service, program, or benefit without providing the appropriate monies or a funding source is regarded as an unfunded mandate. County officials recognize that some state mandates are justified because they achieve agreed upon statewide policy goals. However, many, if not most, mandates on counties are imposed without the consensus of local governments or the resources necessary for their implementation. Mandates shift costs to local property taxpayers, financially drain county governments, and impede a county's ability to adequately deliver the fundamental services required by law. Mandates also compromise a county's ability to provide discretionary services requested by the local community. ACCG opposes any state or federal actions that limit the ability of local elected officials to make fiscal and public policy decisions for the citizens that they represent. Furthermore, counties support the establishment of an agreed upon course of action whereby state and county elected officials deliberatively evaluate the appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.

## LOCAL REVENUES

To provide services requested by the local community or required by the state, counties need an adequate stable revenue source that is diverse and fairly spreads the tax burden across the residents of the county. State-determined restrictions on local revenues hinder a local community's ability to establish a revenue structure that fairly distributes the financial burdens of local government to all citizens of the county based

# ACCG GUIDING PRINCIPLES

on the unique characteristics of the county. When new state laws or annexation erodes a portion of the local revenue base, county commissioners must shift the tax burden to other residents or reduce the level of county services provided. Politically, neither of these choices is popular. The decision to tax should occur at the same level of government where the decision is made to enact a new service or enhance an existing service. Local governments should have an equal share of flexibility and control over both revenues and expenditures as they are directly linked.

## SERVICE DELIVERY

To help create and maintain the quality of life desired by the residents of a community, counties should be given the flexibility to create new services, expand existing services, or discontinue a service. If a service is funded partially or fully using county revenues, then the county governing authority should have a level of control over the service commensurate to its share of the funding. Local government services in the unincorporated areas should be provided solely at the discretion of the county governing authority and such services should not be disrupted by annexation. Service delivery responsibilities within the incorporated areas of the county should be determined jointly with the city. When the state wishes to provide services locally, they should coordinate with the counties to determine the most efficient method of service delivery and funding of the service.

## LAND USE

County officials must have the ability to make reasonable decisions for zoning, comprehensive planning, and infrastructure issues to ensure that the local community grows and develops in a way that adds value to the community and improves the quality of life for all residents. This includes a county's right to adopt local land use and other environmental regulations to protect its unique natural resources and vision for the community. Citizens expect the county commission to exercise its ability to manage and direct growth without being subjected to prohibitive claims for damages for infringement on private property rights. Likewise, county land use decisions should not be thwarted by municipal annexations. Locally elected officials are in the best position to balance the rights of individual property owners with the rights and wishes of all property owners within a county.

## STATE/COUNTY PARTNERSHIP

Counties were created to function as local subdivisions of the state. To tailor services to the needs of the different geographic and demographic areas of the state, decision making power must be granted to locally elected representatives. The state sets general parameters, including minimum standards and levels of service, then local officials should decide what additional services and enhancements the local community desires. The state and its local county subdivisions must work in tandem to improve the quality of life for all Georgia residents. To facilitate this partnership the state should:

- Fully fund state services and not require or attempt to coerce counties into subsidizing the service.
- Provide support (i.e., funding and technical assistance) to attain a minimum level and standard of services needed statewide (i.e., crime information center, crime lab, utility assessments, training public safety officers, establishing uniform assessment procedures and transportation improvements).

SAVE THE DATE

2019

**CAPITOL CONNECTION  
CONFERENCE**

**FEBRUARY 27-28**

**OMNI ATLANTA HOTEL  
AT CNN CENTER**

STAY TUNED FOR MORE INFORMATION

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