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# 2020

## Legislative Policies

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# GMA Community Development Policy Committee

*Policies in this chapter are listed in priority order*

## POLICY RECOMMENDATIONS

### 1. Municipal Broadband

*GMA opposes any legislation that would limit the ability of local leaders to invest in the broadband infrastructure that is important to meet the economic development and quality-of-life needs of their citizens and businesses.*

**Explanation:** Broadband is a utility that is as important as water, gas and electricity for economic development and quality of life. Many of Georgia's cities have slow or limited access to the Internet compared to regional and international peers. Limiting the option of publicly funded broadband would limit the ability of communities to alleviate that disadvantage in those instances where private providers have decided those investments do not fit their business model. GMA opposes legislation that would tie the hands of municipal officials, inhibiting them from efforts to build digital networks they need to attract economic development and create a high quality of life for their citizens.

### 2. Local Control in Alcohol Sales

*GMA supports local control in granting permission for tasting, pouring and package sales of wine, beer and liquor. State law should be amended to allow cities to adjust Sunday brunch hours through ordinance without costly referenda. Furthermore, signature requirements for allowing a referendum to be held to allow package sales of distilled spirits in a jurisdiction are an unnecessary barrier to enhanced commerce and should be removed from the code.*

**Explanation:** Communities across the state have varying perspectives relating to tastings, pouring, and package sales in their cities. Decisions

relating to beer, wine and liquor should be made at the local level. GMA supports legislation that provides flexibility to cities to make decisions about alcohol sales and opposes legislation that imposes state law or circumvents local decisions about alcohol licenses. Studies indicate that craft breweries bring jobs and economic development to downtowns and craft breweries and distilleries should be encouraged to locate in Georgia.

### 3. Funding for Behavioral Health, Addictive Diseases and Developmental Disabilities

*GMA supports funding for a robust system of care for behavioral health, addictive diseases and developmental disabilities, and additional funding for crisis intervention teams throughout the state.*

*State hospital or other institutional closures should use an open, engaged process in cooperation with the impacted cities and hospital staff. GMA encourages the state to pursue adaptive re-use of closed facilities.*

**Explanation:** GMA recognizes the need for a robust system of care that supports recovery and independence for people living with mental illness, addictive disorders and developmental disabilities. Locally provided state services to individuals living with disabilities are critical to providing an appropriate safety net and an alternative to incarceration. There should be an adequate number of crisis intervention teams around the state to help public safety officials manage critical situations as needed. These services also help people meaningfully contribute to and participate in the life of our communities. In the event that closure of a state hospital is anticipated, the state should discuss the planned closure with the affected city to ensure adequate planning for residents and employees.

#### 4. Redevelopment

*GMA supports amending the Urban Redevelopment Law to ensure that conflict of interest provisions are meaningful.*

*GMA encourages full funding of the Georgia Renaissance Fund and increased funding for technical support for downtown development and community redevelopment.*

**Explanation:** Georgia's laws on urban redevelopment and tax increment financing provide critical tools for encouraging development and financing redevelopment. Administrative and legal costs for implementing redevelopment projects should be kept as low as possible to ensure that taxpayers receive maximum value for the projects.

#### 5. Regulatory Authority over Residential Housing and Commercial Property

*GMA supports municipal powers that ensure adequate living conditions for all residents through consistent and responsible enforcement of local health, public safety and safety codes. GMA supports local initiatives and programs that assist local governments in determining ownership of vacant and foreclosed property. Additionally, GMA supports legislation allowing cities to inspect rental property as a condition of the issuance of an occupation tax certificate.*

**Explanation:** Municipal governments should work with private property owners, investors, banks and residents to ensure that living quarters for all citizens are maintained to safe, healthy and aesthetic minimums. Health and safety codes were designed to provide residents with certain basic minimum protections. Municipalities must be able to enforce these codes to protect all citizens. Vacant and abandoned buildings have presented public safety concerns for citizens, affecting quality of life, property values and safety. Additionally, municipalities need the authority to ensure the safety of residential rental properties. Statutory authority to inspect of residential rental properties would allow cities to ensure the health and safety of its citizens while

protecting the property values of neighboring residential and commercial property.

#### 6. Hotel/Motel Tax

*The hotel/motel tax should provide flexibility to cities to expend funds collected for economic development and tourism promotion. GMA supports the full collection of hotel/motel tax for all hotels regardless of the occupant's length of stay.*

**Explanation:** The revenues generated from the tax are an important funding source for cities, and any changes to the statute should ensure maximum flexibility to the city to spend the funds for tourism promotion and economic development.

#### 7. Impact Fees

*GMA opposes any efforts to amend the Georgia Development Impact Fee Act to give counties the authority to impose impact fees within municipal limits for countywide services. GMA also opposes any effort to artificially limit the amount of the impact fee that may be levied and any effort to further limit the geographic area in which impact fees may be expended.*

**Explanation:** Georgia's Development Impact Fee Act is a balanced and equitable tool to help pay for new growth and development. While some question the appropriate service area for the expenditure of impact fee revenues, the questions often result from a natural confusion between the definition of "project improvements," which are not included in the impact fee, and "system improvements," which are subject to impact fees. GMA supports the ability of municipal leaders to establish impact fees for projects within municipal boundaries. Counties should only have authority to establish impact fees for projects in the unincorporated area. Existing law already provides a mechanism for municipalities and counties to work together on impact fees through intergovernmental contracts. Allowing the unilateral imposition of impact fees by county commissioners would upset and override existing Service Delivery Strategy Act and Special Purpose Local Option Sales Tax Act agreements.

GMA believes that municipal and county officials, as well as school officials, should communicate more rather than less with respect to land use and development and work cooperatively to ensure sound growth patterns and prosperous municipal centers.

## 8. Short Term Rentals or Vacation Rentals

*GMA supports local control of the regulation of short term rentals as necessary for quality of life, public safety and a competitive lodging marketplace. GMA supports the recurring legal use of properties as short term or vacation rentals by individuals licensed to do business and pay the appropriate state and local taxes. State law should define short term rental lodging to differentiate such businesses from hotels, motels and traditional bed and breakfasts.*

**Explanation:** Short term or vacation rentals are popular in certain areas of the state, which often creates commercial competition inside residential neighborhoods. Individuals rent sofas, rooms or entire properties through online websites such as Craigslist, VRBO and AirBnB. Individuals who regularly let property for rent are operating a lodging business illegally. The operation of lodging rooms requires following laundry sanitation guidelines under the Department of Public Health, as well as state and local building regulations for occupancy and use. Unregulated, unlicensed short term rental providers are undermining the hotels, motels and traditional bed and breakfasts around the state by not paying taxes or following health and safety standards. Parking, noise and illicit substance abuse are documented, recurring issues with short term rental properties in unregulated settings. The operation lodging businesses in residential settings defeats the purpose behind residential designations. Neighbor watch groups try to fend off threats, such as those who perpetrate human trafficking, neighborhood “casing,” and stalking by applying the moniker “see something, say something,” preemption of residential zoning designations would damage that ability to determine what is out of place.

## FEDERAL ISSUES

### 1. Municipal Bond Tax Exemption

*GMA calls on the federal government to in no way limit the income tax exemption for municipal bonds.*

**Explanation:** The American Society of Civil Engineers estimates that the nation should spend over \$4.6 trillion by 2025 on infrastructure projects. Much of this need must be met by states, counties, and cities with municipal bonds being the primary tool for doing so. Tax-exempt bonds are the foundation of public finance. They have been used for over 100 years to help build roads, bridges, sewers, dams, city halls, prisons, schools, hospitals, libraries, low income housing, and thousands of other public and private projects. Today, over 60% of tax-exempt bonds are held by individuals either directly or through mutual funds, with 51% of all tax-exempts owned by individuals with an adjusted gross income of under \$200,000 annually. According to the Protecting Bonds to Save Infrastructure and Jobs 2013 Report, a 28% cap would cost state and local governments an additional \$173 billion in interest expense and if eliminated altogether, the cost would reach \$495 billion. The direct cost of the tax exemption on the federal government is currently estimated at \$37 billion annually. This amounts to a small federal expenditure in terms of the total federal budget and is overwhelmingly justified by the overall investment and job creation generated by the availability of low-cost borrowing. Regardless of the budgetary impact on the federal government, tax-exempt bonds are a primary catalyst for economic development, job creation, and investment. The elimination of the exemption would cost billions to the national, state, and local economies in lost projects and investments.

### 2. Community Development Block Grant (CDBG)

*GMA joins local and state governments across the nation in supporting continued, full funding of the CDBG program for municipal and county community and economic development programs and projects, and supports continued*

*administration of the CDBG program at the state level. Further, as the Department of Housing and Urban Development (HUD) administers the State CDBG program, GMA encourages HUD to meet the letter and spirit of that rule's "maximum feasible deference" clause.*

**Explanation:** CDBG has served to create jobs, develop affordable housing, stabilize neighborhoods and provide necessary public services to non-entitlement local governments throughout Georgia. The strength of the CDBG program lies in local determination of immediate need, flexibility in addressing problems, identifying eligible activities, and responsible administration of funds by state and local officials.

# GMA Environment and Natural Resources Policy Committee

*Policies within this chapter are listed in priority order*

## POLICY RECOMMENDATIONS

### 1. Expedited Environmental Protection Division Permitting Process

*GMA recommends a streamlined permitting process and expedited project review that will result in efficiencies at EPD.*

**Explanation:** As Georgia grows and infrastructure requirements change, municipal leaders make responsible investment decisions to accommodate these increased demands. The EPD must approve of new or modified permit applications prior to the groundbreaking of these public works projects, and municipal governments are often forced to wait more than a year for a response from EPD on a permit application. The anticipated costs of these infrastructure projects often rise exponentially between the time the permit is applied for and the response from EPD. Since an infusion of funds to allow EPD to increase the permit review time period is not anticipated, a solution is needed to ensure EPD can allocate its resources where they are needed most.

### 2. Stormwater Utilities

*One of the biggest environmental challenges facing cities is managing stormwater runoff and nonpoint source water pollution. GMA supports cities' current authority to enact and manage stormwater utilities.*

**Explanation:** Federal and state mandates have imposed various responsibilities on local governments for managing stormwater and non-point source pollution from unmanaged stormwater run-off is a major source of water pollution. As a result, many local governments have decided to create stormwater utilities to pay for the costs of managing stormwater to protect the state's precious water resources. Furthermore,

the State Water Plan explicitly endorses and encourages the creation of local government stormwater utilities as a means of funding to control stormwater run-off and non-point source pollution.

Stormwater utilities should continue to be recognized as a viable option for local governments to use in being good stewards of the state's valuable water resources.

### 3. Water, Wastewater and Sewer

*GMA supports cities' authority to own and operate and set rates for public water, wastewater and sewer systems to meet the demands of citizens. GMA supports the right of cities to impose rate differentials to account for the disproportionate cost of providing service to extraterritorial customers.*

**Explanation:** Cities must maintain the ability to recapture the cost of providing services to all customers and not saddle their citizens with an unfair proportion of the cost. Cities are constitutionally permitted to provide water, wastewater and sewer services to their citizens, and many are created to do exactly that. To allow some citizens to pick and choose subscription to a particular service by which a city was established would circumvent the creation of the city and the delivery of services which the citizens choose upon incorporation in some instances. The service cannot skip certain homes or waive fees for those choosing not to participate as infrastructure costs must be borne by all taxpayers who may be served by the public system. Indeed, city residents are oftentimes contributing to general obligation bonds for the city's water and wastewater infrastructure, while those living outside of the city do not have the same bond obligations.

#### 4. Water Resource Policy

*GMA supports equitable access for all Georgians to a reliable supply of quality water while ensuring that the available resources protect public health and environmental quality and support economic development.*

*GMA supports the full implementation of a statewide, comprehensive water management plan that is continually updated, refined and includes meaningful municipal government involvement. GMA believes that adequate funding for the next phases of the water planning effort and planning costs for the state water plan should not be in the form of additional permit conditions which equate to an unfunded mandate.*

*GMA recommends that all legislation, study committees and administrative actions on water policy be coordinated with the work of the regional water planning councils in accordance with the statewide water plan. Regional water plans should be enforced and adhered to by the Environmental Protection Division.*

**Explanation:** Since most of the water supply and water treatment systems across the state are owned and operated by municipalities, GMA – and more importantly, the municipalities that manage water – must be at the table as the comprehensive water plan is discussed and developed. Additionally, the effect of local land use decisions on water quality will be a major source of discussion within the planning process and has far-reaching implications in terms of how governments may be required to manage water resources in the future. GMA supports incentives and technical assistance for local governments for the implementation of water planning programs. Future funding for the implementation of regional water plans should be explored, including the consideration of funding mechanisms such as per capita assessments or water withdrawal fees, and such revenue should remain in each region where it is generated.

Municipalities must be engaged in the local and regional planning process and should be prepared to help support these planning efforts financially. Only through active involvement in the local and

state planning process will municipal officials be able to ensure that their citizens will have equitable access to a reliable supply of quality water while ensuring that the water plan protects public health, environmental quality and supports economic development.

#### 5. Greater Regulation of Solid Waste Transfer Facilities

*Solid waste transfer stations should be formally permitted by the Environmental Protection Division and comply with local zoning and ordinances. Additionally, any solid waste transfer station should be subject to the same local host fee currently applied to solid waste disposal facilities.*

**Explanation:** Private, for-profit solid waste companies are increasingly relying on solid waste transfer stations as a way of handling waste streams eventually bound for a landfill. Oftentimes, these solid waste transfer stations are located in areas zoned for industrial use. However, these stations do not require an EPD permit or consistency with local solid waste management plans as landfills do, nor do they require a demonstration of need to EPD prior to operating under a “permit-by-rule.” In addition, solid waste transfer stations do not get assessed a local host fee, yet there are local costs associated with hosting a solid waste transfer station, such as public education efforts for solid waste management, administration of the local solid waste management plan, and offsetting the impact of such a facility on a community.

#### 6. Recreation and Conservation Funding

*GMA supports adequate funding of the Georgia recreation assistance grant programs and the implementation of the State Comprehensive Outdoor Recreation Program (SCORP) as administered by the Georgia Department of Natural Resources. GMA supports the ability of the Georgia Environmental Finance Authority (GEFA) to continue to provide low interest loans and grants for conservation land and water quality purposes. GMA supports cities' ability to use resources efficiently and expediently.*

**Explanation:** Limited funding has hampered the ability of most municipalities and counties in Georgia to develop adequate open recreational space and public recreation facilities. Recent studies by the Georgia Department of Natural Resources and the Georgia Recreation and Park Association clearly document funding needs to support the state's growing population. Georgia needs an ongoing and adequately funded incentive grant program to meet needed local recreation and parks priorities.

## **7. Recycling Strategy, Support & Funding**

*GMA supports a strategic approach for regional recycling efforts in order to bring access to recycling to more communities. State supported public and private partnerships forged at the regional level will incentivize the needed infrastructure to encourage wider citizen involvement and support for recycling efforts. GMA supports the creation of a state recycling coordinator to help identify opportunities and measure efforts across the state. GMA supports the designation of the state Scrap Tire Fee for their intended uses, including marketing, coordination and efforts to educate citizens on the recycling process.*

**Explanation:** GMA's member cities vary in geographic size and density. In order to realize the benefits of recycling, regional efforts are needed to boost education and awareness of local programs. In order for programs to work efficiently and effectively they must be scaled strategically within a unified regional approach. We must work toward a greener Georgia with our various partners, such as Keep Georgia Beautiful, through a statewide recycling strategy.

## **FEDERAL ISSUES**

### **1. Recognize the Importance of Water Supply at U.S. Army Corps of Engineers' Reservoirs**

*GMA encourages the U.S. Army Corps of Engineers to recognize the Corps' critical role includes providing water supply storage for cities across the nation.*

**Explanation:** The Assistant Secretary of the Army for Civil Works has recently made statements that reflect a very limited and narrow view of the Corps' role in providing water supply storage. The Secretary has suggested that additional water supply storage should not be provided from Corps' reservoirs, but instead municipalities should build their own single-purpose reservoirs. The use of Corps' reservoirs for water supply is a critical purpose to meet the needs of many municipalities across the state and the nation. If implemented, this limited and narrow role of the Corps' would force water suppliers to construct new, duplicative, expensive and unnecessary infrastructure. Furthermore, in many locations, adequate reservoir sites are not generally available because of the presence of Corps reservoirs. The critical nature of the water supply purpose should be underscored with Corps' leadership.

### **1. The "Water Supply Rule" proposed by the U.S. Army Corps of Engineers**

*GMA supports the initiative of the U.S. Army Corps of Engineers to adopt a rule establishing policies and procedures to facilitate the use of Corps reservoirs for water supply. GMA understands that the Corps' role includes providing water supply storage and opposes any assertion of authority by the Corps to preempt each state's authority to allocate water rights.*

**Explanation:** The U.S. Army Corps of Engineers has proposed to adopt new a rule governing the use of Corps reservoirs for municipal and industrial water supply storage. (See Use of U.S. Army Corps of Engineers Reservoir Projects for Domestic, Municipal and Industrial Water Supply, 81 Fed. Reg. 91556 (proposed Dec. 16, 2016) (to be codified at 33 C.F.R. pt. 209)). GMA thus supports this effort by the Corps to codify its policies and practices relating to the use of its reservoirs for this purpose.

GMA urges that, in taking thoughtful action, the Corps strive to facilitate, rather than impede, state and local water planning efforts. Without a rule, the lack of regulatory guidance and clear policy will continue to result in delays and inconsistent treatment of water providers seeking storage across different Corps districts. While the need for a rule is clear, GMA objects to the aspect of the



rule that gives the Corps the authority to allocate made inflows and other return flows to federal reservoirs because it would interfere with each state's authority to manage water resources within their borders. This interference is contrary to the basic principles of federalism that have formed the bedrock of water policy in the United States for more than a century and that have governed the Corps' water supply storage program since its inception. The Corps' proposed methodology in the proposed rule for allocating made inflows and other return flows would also impede the integration of existing federal reservoirs and infrastructure into regional water supply systems, instead creating strong incentives for water suppliers to construct new, duplicative and unnecessary infrastructure simply to avoid interaction with the federal reservoirs. GMA urges the Corps, instead, to provide water supply storage in accordance with the 1958 Water Supply Act and defer to state authorities to allocate water.

### **3. Federal Conservation and Sustainability Funding**

*GMA supports continued and expanded funding for land & water conservation and energy efficiency. Federal funding should promote flexibility and streamline implementation in use of that funding.*

**Explanation:** The federal Land & Water Conservation Fund has provided over \$312 million in grant funds over the past five decades for outdoor recreation. With continuing annual appropriations, the Land & Water Conservation Fund will make a difference by funding needed parklands and recreational facilities in Georgia's cities.

## **BUDGET RECOMMENDATIONS**

### **1. Georgia Environmental Finance Authority Funding**

*GMA supports maintaining the Georgia Environmental Finance Authority's assets and providing adequate funding levels for GEFA's loan programs.*

**Explanation:** The Georgia Environmental Finance Authority's (GEFA) operates a number of grant and loan programs to help protect and promote Georgia's environmental assets. GEFA provides various grant and loan programs that are a critical source of funds for water, land conservation projects and energy conservation projects. The state should develop a streamlined process for eligibility in funding environmental assets, accounting for each funding type, to help eliminate barriers to access.

### **2. Protection of Funds to Support Local Government Environmental Needs**

*GMA supports protecting the funding of the Hazardous Waste Trust Fund and the Solid Waste Trust Fund. GMA supports returning all fees, (including but not limited to NPDES fees, to the Environmental Protection Division) as stipulated in the Erosion and Sedimentation Act and other applicable statutes. These assets must be protected in order to ensure that local governments have a predictable and secure means of financing environmental projects that keep their communities safe. These funds also help local governments meet various mandated state and federal laws and regulations. GMA opposes efforts to transfer the assets of these dedicated sources of local government environmental financing.*

**Explanation:** The Georgia Environmental Finance Authority's (GEFA) water and sewer revolving loan program provides local governments with a source of low-cost financing for water and wastewater infrastructure improvements. After the securitization of GEFA's Georgia Fund portfolio, it is imperative that the state leadership rebuild the asset base for low interest loans from the Georgia Fund in the coming years. Failure to rebuild a reliable source of loan funds would negatively impact the ability of communities to pay for water and wastewater infrastructure to meet the challenges of future economic development.

In recent years, The Hazardous Waste Trust Fund was reduced to a level that will result in no new clean-up projects and leave reimbursements to

local governments for clean-up projects unpaid. This trust fund is financed through fines for environmental violations, through fees on hazardous waste generators and handlers, and through a tipping fee on municipal solid waste. GMA has worked to ensure that at least half of the money expended for hazardous site clean-ups is spent on local government projects.

The Solid Waste Trust Fund has also been reduced in recent budgets. This fund is generated by the fee on scrap tires and is used for direct scrap tire cleanup through the EPD and also for technical assistance and litter abatement programs such as Keep Georgia Beautiful affiliates, which are managed through DCA. Without money to clean up tires, Georgia residents will face health problems caused by the proliferation of mosquitoes in standing water, as well as other resulting pollution.

### **3. Increased Technical and Practical Assistance by State Environmental Staff**

*GMA supports additional state funding to adequately staff positions within the Environmental Protection Division (EPD) that would enable EPD to provide increased technical and practical assistance to Georgia's municipal governments, to cultivate a relationship of support based on our mutual goal of a clean environment. GMA supports the creation of an office within the Department of Natural Resources dedicated to technical and practical assistance for local governments.*

**Explanation:** Rather than having the state occupy only a regulatory role, greater emphasis should be placed on providing technical assistance to municipal governments as they strive to fulfill environmental goals. GMA hopes that any increased technical staff at the state level would bring about a more efficient process for state permits. Provision by EPD of basic guidelines, procedures and templates would result in more complete permit application submissions and a timelier, efficient review. A practicum considering geographic location, growth rate and population density should be developed to recognize the diversity of Georgia's municipalities and the practical application of environmental

stewardship by local governments and public utilities.

# GMA Municipal Government Policy Committee

*Policies within this chapter are listed in priority order*

## POLICY RECOMMENDATIONS

### 1. Restriction on Municipal Powers

*Protection of home rule powers and local control is of paramount importance to all municipalities. GMA strongly opposes any legislation that restricts the authority of municipalities to respond to and meet the needs of their citizens.*

**Explanation:** Municipal government is the government closest and most responsive to the needs of municipal residents and businesses. Recent polling information indicates that citizens want local control of taxing ability, zoning, quality of life issues and public safety. GMA urges the General Assembly and federal policy makers to resist the temptation to create one-size-fits-all legislation or preemptions. GMA is concerned with the continued erosion of home rule and any restrictions on the ability of municipalities to enact ordinances and enforce regulations to protect the health, safety and welfare of municipal residents.

### 2. Service Delivery Strategy Act

*GMA is supportive of the Service Delivery Strategy (SDS) Act but recognizes that problems exist with the implementation of the law. City residents should not be taxed by a county for services not received. In order to be fair to all local governments in SDS negotiations, GMA supports the active involvement of every city in any applicable service delivery agreement, including any city that provides utility services or exercises its supplementary powers rights under the Georgia Constitution. Cities and counties should be required to negotiate Local Option Sales Tax distributions simultaneously. Currently there are sanctions that withhold Qualified Local Government Status from parties that fail to reach agreement on SDS negotiations, and GMA opposes the imposition of additional state sanctions. GMA recommends that constitutional services as defined*

*in the Georgia Constitution which are mandated to be provided county-wide be exempt from SDS negotiations, but not other services provided by constitutional officers which are discretionary.*

**Explanation:** The purpose of the SDS Act is to enable local governments to avoid duplication of services, protect taxpayers from unfair taxation, and require that correlations be shown between service delivery costs by jurisdiction and revenue sources. In order to be fair to all local governments in SDS negotiations, GMA encourages the active involvement of every city in any applicable service delivery agreement. Furthermore, because of the unique nature of water and sewer services, any city providing such services should be a party to any applicable service delivery agreement.

### 3. Municipal Tort Claims Act

*GMA supports the passage of a municipal tort claims act to limit cities' exposure to costly litigation.*

**Explanation:** Municipalities act for the public good and respond to the public need and therefore must provide a broad range of services and perform a broad range of functions throughout their corporate boundaries, regardless of how much exposure to liability may be involved. The exposure of municipal taxpayers to tort liability must have reasonable limitations. Municipalities deserve the protection offered by the establishment of a municipal tort claims act.

### 4. Management of Public Rights-of-Way

*The public should be compensated for the use of municipal rights-of-way. Use of the municipal rights-of-way by any company or individual without appropriate compensation to the public is a gratuity. GMA opposes any legislation that weakens the authority of Georgia's municipalities to regulate the use of their public rights-of-way and*

*which weakens the authority to locally determine appropriate compensation for such use. GMA supports a balanced approach to state and federal telecommunications policy that allows new technologies to flourish while preserving traditional local regulatory authority.*

**Explanation:** Municipalities currently have the authority to regulate the use of public rights-of-way and contract with utility providers for their use. Any changes to the use of public rights-of-way could hinder economic growth for municipalities and could jeopardize public safety.

## **5. Annexation/Deannexation**

*GMA supports existing annexation and deannexation law which affords property owners the right to petition the municipal governing authority for both annexation and deannexation.*

**Explanation:** During each legislative session, bills are introduced that further limit the ability of the property owner to petition for annexation. The issues generally are about zoning changes, density, or service delivery demands and these are best addressed at the local level between the property owner, the municipality and the county. Growth and development continues the need to create housing, jobs, and quality of life desired by the citizens across the state. The right to petition for deannexation should be available and the right to weigh the benefits and disadvantages that deannexation causes should be reserved to local municipal officials and should avoid placing hardship on citizens and property owners remaining within the municipal boundaries. The authority to unilaterally annex unincorporated islands should be retained, regardless of when the island was created, to avoid service delivery conflicts and increased costs on existing taxpayers unless the city is permitted to create a special service tax district for unincorporated islands.

## **6. Early Voting**

*GMA supports full access to the polls for municipal elections and opposes any attempt aimed at voter suppression. GMA supports a timeframe of three weeks of early voting for municipal elections with an option to reduce the timeframe to a minimum of*

*one week including a minimum of one weekend day. Due to light turnout for municipal elections, the option of reducing early voting to one week of early voting is appropriate for city elections, which are solely non-partisan and held in odd-numbered years.*

**Explanation:** Access to the polls for municipal elections is critical for a healthy, functioning democracy and to ensure that mayors and city council members are representative of the voters who they are elected to represent. While the three-week early voting is a tool that is effectively used in high turnout state and county elections, municipal elections are non-partisan and are held on odd-number years. The volume of voters in a municipal election is significantly less than in state and county elections and many cities will only process a handful of early voters during the required three-week timeframe. City officials have expressed concern that the cost of administering an extended voting period for very few early voters is not an efficient use of taxpayer resources and a local delegation should have the option to shorten the early voting timeframe for municipal elections to reflect the lighter turnout in municipal elections.

## **7. Consolidation**

*GMA supports local decision-making authority for municipal operations and the ability of municipal governments to determine the most efficient manner to provide services to citizens.*

**Explanation:** GMA seeks to ensure that discussions about consolidation are deliberate and include the affected municipal elected officials. Local acts proposing the consolidation of local governments are brought forward at the discretion of legislative delegations and require a referendum for approval by city residents and unincorporated residents. O.C.G.A. 36-60-16 states that no consolidation is effective until separately approved by a majority of voters within the city jurisdiction and by a majority of voters in the county jurisdiction.

## **8. Frivolous Litigation**

*GMA supports legislation which inhibits frivolous litigation against cities, allows cities to recover court costs and attorney fees resulting from frivolous litigation, and requires any litigant to provide a city with reasonable notice before any litigation is commenced. GMA supports legislation which prevents the creation of multiple standards to comply with laws of general applicability.*

**Explanation:** Legislation that creates new or additional legal exposure to cities creates burdensome costs to municipal taxpayers. Cities should be provided the same opportunity to recover litigation costs that a plaintiff is entitled to recover; the false notion that cities have “deep pockets” to respond to and incur legal costs should not be codified by the General Assembly. In many cases, costly litigation may be avoided if ante litem notices are provided to the city. Multiple standards of application for a generally applicable law lead to litigation.

## **9. Municipal Incorporations**

*GMA supports citizen access to the heightened services and more responsive representation offered by municipal government. The incorporation of new municipalities should be limited to areas that would be fiscally feasible. Furthermore, new incorporations should be the most economical and effective means of providing municipal services. In addition, portions of existing municipalities should not be de-annexed to create new municipalities.*

**Explanation:** Recently, Georgia has witnessed a surge of interest by various communities in the benefits of municipal government. As the level of government that is closest to the people, municipalities offer home rule that gives citizens greater influence in the character of their community and the nature of services that they wish to receive. As an entity that supports home rule and the benefits that municipalities offer, GMA is supportive of their aspirations.

New incorporations should be undertaken with careful attention to the practical challenges of effectively providing services. In order to thrive, municipalities need an adequate mix of residential and commercial property. New municipalities are

most appropriate in areas that have adequate population and density to support the effective provision of municipal services.

A natural characteristic of municipalities is that they grow, and the most common way in which this is accomplished is through judiciously exercised annexation. Most existing municipalities have logical growth areas outside their existing limits, where the creation of a new municipality could lead to an inefficient service delivery.

## **10. Immigration**

*GMA will seek to ensure that any federal and state laws placing mandates on cities related to immigration enforcement are practical, unambiguous and reasonably administrable.*

**Explanation:** Federal and state law places unnecessary mandates and burdensome administrative work upon city employees. The laws creating these mandates are either so vague or so broad in critical areas as to make local compliance either extremely difficult or pointless. Any new law should be clear so that cities can implement reasonable efforts to curtail illegal immigration.

# GMA Public Safety Policy Committee

*Policies within this chapter are NOT listed in priority order*

## POLICY RECOMMENDATIONS

### 1. Public Safety Collective Bargaining and Mandated Pay and Benefits

*GMA strongly supports public safety employees, but GMA strongly opposes legislation establishing collective bargaining for local government employees, placing costly restrictions and requirements on the relationship between municipalities and municipal employees, and mandated pay or benefit levels.*

**Explanation:** Due to its cost, inefficiency and detrimental effect on the provision of government services and because it violates the principle of home rule, GMA opposes legislation seeking to establish collective bargaining for local government employees. All local government employees are afforded adequate constitutional due process protection. GMA opposes legislation that would directly affect local public safety personnel policies, be an unnecessary and unwarranted intrusion into local matters and provide extraordinary rights for one class of municipal employee. GMA supports the adoption and implementation of appropriate personnel policies by local elected officials.

GMA also supports improved public safety pay and benefits as determined at the local government level and opposes the imposition of pay and benefit levels by state or federal mandate. GMA has and is committed to continuing to work with local governments on identifying pay and benefit improvement alternatives and methods of funding these improvements.

### 2. Funding for Local Law Enforcement Officer Equipment and Training, Municipal Judge Training, and Municipal Court Clerk Training

*GMA continues to support utilizing funds collected for public safety equipment and training, municipal court judge training and municipal court clerk training solely for that purpose. GMA supports adequate funding for local public safety personnel training and counseling, municipal court judge and municipal court clerk training. GMA supports municipal law enforcement and believes that criminal laws are best enforced by properly trained law enforcement personnel.*

**Explanation:** Article III, Section IX, Paragraph VI (d) of the Georgia Constitution authorizes the imposition of additional penalties to be used to provide training for law enforcement officers. Code Section 15-21-70 et. seq. provides that the fine monies collected be submitted to the state and placed in the general fund and spent on law enforcement officer training. While the bulk of the money is collected from cases brought to court by local police agencies, most of the appropriations for training have gone to state agencies and officers. According to the Peace Officer Standards and Training Council, municipal police officers comprise the majority of law enforcement officers in Georgia and as a result, have the majority of interactions with the general public. Proper training of police officers is an essential part of any public safety effort. The state should therefore appropriate adequate funding to both the Georgia Public Safety Training Center and to regional academies to ensure that the majority of all law enforcement personnel are adequately trained. In addition to adequate funding for training, funding for counseling and treatment for public safety personnel who experience mental trauma should be considered in state appropriations.

### 3. Decriminalization of Misdemeanor Offenses

*GMA believes that the purpose of a municipal court is to adjudicate matters addressing health, safety and quality of life within the municipality and that such courts should not be utilized as a tool for revenue generation.*

**Explanation:** Municipal courts, including indigent defense costs, are funded by the municipality in which they are located. Any attempt to decriminalize misdemeanor offenses, including minor traffic offenses, must ensure that there is no negative fiscal impact on the municipal court or the municipality. Fine collection is already a difficult proposition and without the proper incentive many people may simply choose to ignore court-imposed fines for misdemeanor offenses. Fine collections are important for covering the administrative costs of operating a municipal court, and thus for ensuring the laws are obeyed and public safety is not compromised.

### 4. Municipal Court Fines and Fine Add-Ons

*GMA will seek to have the payment of municipal fines take precedence over the remittance of revenue to fine add-on recipients in partial payment cases. GMA adamantly opposes any new, additional state-imposed fine add-ons collected on offenses adjudicated in municipal court. GMA supports an administrative and processing fee based on a percentage of the fine add-ons collected and remitted to various entities.*

**Explanation:** Municipal courts and municipal police departments are wholly funded by municipal tax payers. Cases brought to such municipal courts are typically made by municipal police or code enforcement personnel, are adjudicated by municipal judges and the administration is handled by municipal personnel. Municipalities pay to house municipal prisoners in county jails and must spend their own resources to provide for indigent defense. In recent years, the creation of new fine add-ons and regulatory changes have placed fine add-on recipients above

municipalities in the priority for receiving fine payment in cases where the entire fine is not immediately paid in full. The effect of these changes has been to force municipal courts to act as tax collections agencies for state government programs that rarely benefit municipalities. Municipal courts carry a large burden in collecting and remitting fine add-ons to various entities and should be able to retain a percentage of the amounts collected as an administrative fee for the work done by the municipal court.

The creation of new state imposed fine add-ons, given the current number of existing fine add-ons and the partial payment priority system currently in place, is overburdening defendants that are adjudicated in municipal court. Additional fine add-ons result in sending more defendants to probation and imposing more costs on the administration of municipal courts.

### 5. Funding Crime Labs

*GMA believes that adequate and proper funding of state crime labs is a responsibility of state government and opposes efforts to shift costs for their support from the state to local governments.*

**Explanation:** State crime labs are a vital resource used by local law enforcement agencies seeking to prosecute state crimes on behalf of the State of Georgia. Efforts that seek to make local governments pay for their operation fail to recognize that cities already remit fine add-ons to the state to pay for this service and that shifting additional costs to local agencies merely increases the tax burden locally.

### 6. Local Law Enforcement Jurisdiction

*GMA supports the ability of municipal law enforcement agencies to patrol and enforce the traffic laws on all federal, state, and local public roads in their jurisdiction.*

**Explanation:** Numerous proposals aimed at making it more difficult for local law enforcement agencies to enforce traffic laws on Interstates and state highways have been

recently circulated. These proposals incorrectly presume that traffic enforcement is designed to generate revenue for local governments, when in fact such enforcement is critical to public safety. Georgia has fewer than 1,000 state patrol officers and relies heavily on local law enforcement to fill in the gaps of patrolling public highways. Not only do local traffic enforcement efforts save lives on our highways, they also result in numerous arrests of fugitives and felons that have otherwise escaped from the criminal justice system. Legal remedies including investigations by the state Department of Public Safety and the accountability of local elected officials at election time provide an adequate check on any abuses. Hampering the ability of local law enforcement to patrol the highways and Interstates will be devastating to public safety on the local and the state level.

## 7. Local Government Firearms Policy

*GMA supports the Second Amendment of the United States Constitution. GMA believes reasonable laws regulating persons with serious mental health issues and their ability to obtain firearms licensing are warranted. GMA supports the ability of local governments to set policies regarding the carrying of weapons and firearms by their employees and volunteers while they are engaged in the course of their employment. GMA supports municipal law enforcement and believes that criminal laws are best enforced by properly trained law enforcement personnel.*

**Explanation:** Many municipal officials are strong advocates for the right of gun ownership. However, GMA believes that those elected officials are the best qualified to craft local policies about when it is appropriate for firearms and weapons to be brought onto municipal public property.

## 8. Bias-Based Profiling

*GMA opposes the practice of profiling of protected classes and encourages efforts by municipal police departments to train officers not to engage in such profiling. GMA supports legislation that requires training, supervision,*

*and local policies designed to prevent bias-based profiling, provided that any data collection mandates apply only to those agencies found to be engaged in such practices.*

**Explanation:** Many municipal police departments already train their officers not to engage in bias-based profiling, a practice that undermines public confidence in law enforcement. Several recent state proposals, however, would have required that police officers collect additional data at every traffic stop. Given that municipalities already send a copy of every traffic citation issued to the state, containing identifying data, additional data collection seems unnecessary and duplicative. GMA will work to ensure that legislation that attempts to address the issue of racial profiling does not create administrative burdens that interfere with local public safety efforts.

## 9. Secondhand Dealers and Pawnshops

*GMA opposes legislation relating to secondhand dealers, pawnshops, and other similar establishments which would preempt local law enforcement programs that facilitate the recovery of stolen goods. GMA opposes legislation which would preempt such local law enforcement programs or create fiscal and fee limitations upon these programs, making it impossible to operate them from a fiscal standpoint.*

**Explanation:** Numerous municipalities utilize tracking systems which allow for their local law enforcement to track transactions at local pawnbrokers and other similar establishments. These tracking systems require the pawnbroker to enter inventory into a database which can be checked by the local law enforcement to determine whether the items are legally owned or whether they have been previously stolen. Municipalities charge a fee to cover the costs of running such programs and are precluded by state law from charging fees in excess of the cost of program maintenance.



## 10. Volunteer Firefighter Incentives

*GMA supports incentivizing the recruitment and retention of volunteer firefighters with a state income tax credit and/or credits for state issued driver's licenses and firefighter training.*

**Explanation:** Small and mid-sized municipalities in Georgia are dependent on volunteers to operate their fire departments. Attracting and retaining volunteers has become very difficult in many places. Offering those volunteers that have maintained their training and participation for at least three consecutive years an annual \$1,000 state income tax credit would help municipalities retain trained and experienced volunteers.

## 11. Traffic Camera and Digital Enforcement Technology

*GMA supports legislation that authorizes municipalities to use video and digital technology to enforce traffic laws.*

**Explanation:** Red-light video technology has been in use in municipalities across the state for several years now and has led to increased safety at many intersections. GMA feels that use of a similar technology to enforce speeding laws in clearly marked school zones, to enforce compliance with stop arms on school buses, or in other problem traffic enforcement areas will also lead to substantial safety improvements.

## 12. Juvenile Justice Reform

*In the interest of the public health, safety, and welfare of municipal residents, GMA supports juvenile justice reform which promotes and emphasizes education and responsibility to juvenile offenders and helps provide them paths to a successful adult life. In supporting juvenile justice reform, GMA calls for the ability of municipal governments to review and assess the community outcomes related to any such reform. GMA also supports the following: proper treatment for juveniles exhibiting behavioral patterns that may cause criminal activity, holding parents and guardians responsible when their actions promote and encourage criminal*

*activity of a juvenile, adequate state funding for juvenile detention facilities, staff training for the those working in such facilities, and state funding to provide access for early intervention programs to discourage criminal or negative attention-seeking behavior.*

**Explanation:** Municipalities support changes to the state's juvenile justice system which will provide children more opportunities to obtain an education and jobs that will keep them out of trouble with the law and help direct them towards becoming key contributors into society. Providing juvenile offenders with education, training, and hope will help problem juveniles become positive adult contributors to municipal society and help municipalities' interests in protecting the health, safety, and welfare of all municipal residents.

## 13. Human Trafficking

*Human trafficking destroys lives and harms communities; therefore, GMA vehemently abhors this deplorable act. GMA supports federal, state, and local action which gives law enforcement additional tools and resources to combat and prevent human trafficking. Such tools and resources shall include, but not be limited to, enhanced technology development and deployment, training, building partnerships with schools, state law enforcement, and community organizations, and increased penalties for traffickers and consumers.*

**Explanation:** Additional resources for police and other officials combating traffickers, customers, and other criminals will promote cooperation between different levels of government which is vital to eliminating human trafficking. These efforts will also provide better avenues for education and awareness of human trafficking to stop such crimes through prevention and support of victims. Combating human trafficking protects the health, welfare, and safety of city residents by protecting children from potentially dangerous lifestyles, encouraging students to receive a formal education, keeping potential criminal elements at bay, and protecting the freedoms of all persons.

## 14. Drug Abuse and Mental Health Issues

*GMA supports federal, state, and local action which gives appropriate local public safety personnel and municipal courts additional tools and resources to combat and prevent drug abuse and extends those same resources to people dealing with mental health issues.*

**Explanation:** Drug abuse is an epidemic that affects cities of all sizes and socio-economic statuses. In recent years, the state has taken a lead in attempting to combat the growing drug war through methods such as community-based treatment and accountability courts. Where, some of these same options and tools have been extended to people suffering from various mental illnesses, cities need additional resources to provide local services to combat and prevent drug abuse from growing into an even larger problem and to assist those across the state who are living with mental illnesses.

## 15. Medical Cannabis

*GMA supports local control of building permitting, inspection, and occupational tax certificates for any medical cannabis cultivation operation. The location of a cultivation site should be subject to local land use, zoning, building, and occupancy codes.*

**Explanation:** In 2019 the Georgia General Assembly legalized low-THC CBD Oil in Georgia. The legislation authorizes up to six (6) cultivation sites in the state, and GMA supports local control of all local permitting processes. GMA also supports that any such business would be subject to occupational taxes.

# GMA Revenue and Finance Policy Committee

*Policies within this chapter are NOT listed in priority order.*

## POLICY RECOMMENDATIONS

### General Taxation

#### 1. Revenue Options

*The state tax code should provide a wide variety of revenue options that would be available equally to all municipal governments. These options should include flexibility for municipal officials to adopt revenue and revenue sources as necessary to respond to local growth, decline, recession, community desires, and emergencies, should encourage community input and should ensure tax equity and the elimination of double taxation.*

**Explanation:** A diversity of revenue sources is essential for municipal governments to meet the needs of their citizenry. The state should respect the right of Georgia taxpayers, through their municipal officials, to choose the proper methods and in the appropriate amounts necessary to fully fund important quality of life services. Additionally, any revision should provide for tax equity based on the economic input and value provided to the state by the citizens of individual local governments as well as the services provided by and demanded of individual local governments.

#### 2. Tax Reform – Key Principles of Local Taxation

*GMA supports tax reform that increases transparency, respects home rule and the need for municipal government officials to respond to the needs of their constituents. GMA also supports a thorough review of existing tax exemptions and incentives.*

**Explanation:** During each legislative session, numerous changes are made to Georgia's tax code, often through individual bills. These tax cuts and tax shifts have resulted in an unbalanced tax code, including regional distortions in the tax base, which has in turn led to budget shortfalls at the state and local levels. Since many types of taxation

work together to provide revenue for the state and local governments, any change to one type of tax will often affect the others. To ensure that Georgia has a balanced and equitable system of taxation, the state should take a comprehensive approach to taxes as a whole. Any revision of the tax code should respect the needs of municipal governments and the important and often diverse services that municipalities provide to their residents and property owners.

#### 3. Fiscal Notes – Analysis of New State Regulations on Local Governments

*GMA supports requiring state agencies to analyze, consider and disclose the fiscal effect of new or amended state laws and regulations on local governments.*

**Explanation:** State law requires that any legislation that would increase local government expenditures or decrease local revenues by \$5 million or more over a three-year period must have a fiscal note attached. The Department of Community Affairs is responsible for the preparation of these local government fiscal notes. Likewise, the law provides that no regulation, rule, order, or administrative law that would have a fiscal impact exceeding \$5 million on local governments is valid unless the agency or department submits a fiscal note to the General Assembly 30 days prior to adopting the new policy. Although the General Assembly and state agencies, boards and departments are required to determine the aggregate fiscal cost to local governments of new state laws or regulations, the process is not uniformly and consistently applied. In addition, state agencies, boards and departments are not required to consider the effect that a rule or regulation may have on each individual local government that is affected. This lack of understanding of the actual fiscal impact of state law or regulations on an individual local government leads to local revenue shortfalls, often resulting in tax increases, extended local debt, or further revenue loss due to fines for a failure to

comply. Allowing tax legislation that affects local government revenues to lay on the table for one year before any action could be taken would give DCA and local governments enough time to fully understand its fiscal impact.

## **Sales Taxes**

### **1. Full Collection of Sales Taxes; Provision of Data**

*GMA recommends that the state take necessary steps to ensure the full collection and timely remittance of all sales and use taxes due to the state and to local governments, including additional funding for the Department of Revenue for audits and compliance purposes. GMA supports legislation requiring the Department of Revenue to collect, compile and provide to municipal governments data necessary to determine the aggregate amount of sales tax generated by industry or businesses located in each municipality and the aggregate amount of sales tax generated by industry or businesses located in the unincorporated area of each county.*

**Explanation:** Representatives of the Georgia Department of Revenue have stated that the department is able to audit less than 1 percent of the businesses in each sector remitting state and local government sales taxes to the state. While most businesses comply with sales tax laws, untold dollars remain on the table, uncollected by the state, as a result of inadequate enforcement. While it is impossible to know how much sales tax revenue remains uncollected in Georgia, a voluntary system of compliance allows for shortfalls. In order to ensure full collections of sales tax revenues, the state should provide the Department of Revenue with more capacity for enforcement, including ample auditors.

For years, municipal officials have requested data detailing the situs of retail transactions. Municipal officials claim that this data will increase compliance by allowing municipal officials to compare gross sales reported municipality-wide to the state with the aggregate gross sales reported to municipal officials through the collection of occupation taxes or other proxies. Moreover, this data will indicate the health and vitality of the retail

sector of the local economy and demonstrate whether economic development efforts focused on increasing retail activity are having the desired impact. Finally, anecdotal evidence in other states indicates that as more detailed sales tax data is reported, compliance has increased.

GMA believes that the following five steps would substantially improve the reporting and accuracy of sales tax collection.

- (1) Require the Department of Revenue to collect data showing sales tax collections in municipal jurisdictions;
- (2) Fully capture all data, whether electronically or manually filed;
- (3) Require the Department of Revenue to share aggregate sales tax data for collections within municipal boundaries;
- (4) Support confidentiality and privacy of information shared with cities;
- (5) Support efforts to increase audits to ensure compliance.

### **2. Sales Tax Criteria**

*GMA supports sales taxes that fairly and accurately distribute sales tax revenues to the incorporated and unincorporated sections of the county.*

**Explanation:** Georgia's cities have documented billions in capital needs that cannot be met through existing revenue sources alone.

Municipalities and counties compete for limited local sales taxes while struggling to provide services such as clean water, an efficient and safe transportation network, parks and recreation and public safety.

### **3. Sales Tax Exemptions**

*GMA opposes the erosion of the local sales tax base caused by the creation of statewide sales tax exemptions.*

**Explanation:** Like the property tax, the gradual erosion of the sales tax base due to exemptions for general and special interests has challenged municipalities' abilities to adequately fund services. Since 1989, the number of statewide sales tax exemptions in Georgia has increased significantly without overall consideration of the cumulative effect on the revenue base of local governments or the creation of regional revenue distortions. This concern is significant in light of the limited revenue options available to local governments coupled with increasing levels of service responsibility and state and federal unfunded mandates. Ultimately, sales tax exemptions merely shift the tax burden from certain consumers to property owners and unevenly shift this burden in areas of greater distortion. GMA believes any new sales tax exemption should have realizable goals; a time limited sunset; a fiscal note; and an annual cost/benefit analysis.

#### 4. E-Fairness Legislation

*GMA supports fairness in the marketplace by leveling the playing field for brick and mortar retailers and local purveyors of services. This includes, but is not limited to, hoteliers, taxi services, bike rental, and retailers.*

**Explanation:** With the Supreme Court's ruling in the *Wayfair v. South Dakota* case and the Georgia General Assembly's passage of HB 61 in 2018, online retailers that sell more than \$100,000 in goods in Georgia are subject to sales taxes. However, many technology companies that operate a platform to facilitate retail sales or services are not subject to taxation in Georgia. Therefore, GMA supports legislation to continue to level the playing field for local businesses. This includes audit processes and other administrative duties that local brick and mortar businesses are subject to.

#### Property Taxes

##### 1. Assessment Limitations and Appeals

*GMA supports reasonable reform of the approach to property assessments which minimizes undue hardship and confusion to property owners,*

*ensures equity among comparable properties and taxpayers, provides for adjustment of values that mimics market conditions, and strikes a balance between the goals of providing more certainty to taxpayers and retaining uniformity, flexibility and revenues necessary to provide services at the local level.*

**Explanation:** Local governments need a broad tax base in order to provide services in times of market fluctuations. Any changes to the property assessment process should reflect the highest order of consideration to ensure against tax inequities. Reactionary policies, such as freezes and caps, defy free-market principles, lead to tax inequities, and can decrease the flexibility necessary for the provision of basic services to residents.

Other states that have implemented caps or freezes have created hardship for local governments and for schools, for property owners – particularly new property owners – and on economic development. Property assessment restrictions force municipal governments to live off new growth or to increase millage rates.

Moreover, uniformity is an issue. Property owners with identical properties receive identical services but may pay grossly different property taxes based simply on the date on which their respective property was purchased. Consideration must be given to timely reassessment and reevaluation practices to help ensure uniformity, balance in taxation, and current market value.

##### 2. Property Tax Exemptions

*GMA opposes the erosion of the property tax base caused by the creation of property tax exemptions unless such exemptions are approved by local government action.*

**Explanation:** The gradual erosion of the property tax base due to the exemptions for general and special interests has challenged local governments' abilities to adequately fund services. Since 1989, the number of statewide property tax exemptions has increased significantly without overall consideration of the cumulative effect on the revenue base of municipalities. This concern is significant in light of the limited revenue options

available to municipalities coupled with increasing levels of service responsibility and state and federal unfunded mandates.

## **Home Rule**

### **1. Local Expenditure Caps**

*GMA opposes local government expenditure caps.*

**Explanation:** Recent legislative attempts to place spending caps on local governments are based on a one-size-fits-all approach to Georgia's diverse and myriad municipalities, counties and school systems. Different communities have different needs and different resources. While most local officials work to keep expenses low, citizen demand, market forces, emergencies and court decisions at times force expenditure increases on local governments. Local elected officials are accountable to their electorate and are elected to make the tough budgetary decisions necessary to provide adequate police, fire, transportation, economic development, recreation and other services demanded by their particular electorate. Many necessary costs, such as health and liability insurance, motor fuels, asphalt and construction materials are beyond the control of local officials. Fast paced development, state and federal mandates, and age of infrastructure can create unanticipated water, sewer and transportation costs. Local elected officials must have the spending flexibility to pay these costs while still providing the general quality of life services expected by their citizens. Arbitrary caps on spending interfere with local decision-making, local accountability, and the ability to meet the needs of Georgians at the local level.

### **2. Tax Equity / Double Taxation**

*GMA supports legislation that will ensure local government tax equity by prohibiting county governments from taxing municipal property owners for services that the municipal government provides or that the property owners do not otherwise receive from the county government.*

**Explanation:** The Service Delivery Strategy Act, as well as the Local Option Sales Tax and other laws affecting local government revenue, are

intended to encourage and achieve tax equity at the local level. These laws are carefully designed around the premise that each local situation is different and allow local governments to address tax equity issues at the local level. However, due to the complexity of issues included in service delivery and local option tax negotiations, combined with the negative consequences resulting from the failure to reach agreement, double taxation remains a reality for many municipalities and municipal taxpayers throughout the state. Municipal property owners and taxpayers continue to pay county taxes for county services that are not provided in the municipality or for county services that are jointly provided by the municipality. In effect, citizens in many municipalities are paying twice for the same service. The General Assembly should pass a constitutional amendment prohibiting this practice.

### **3. Unfunded Mandates:**

*GMA opposes any legislation which creates unfunded mandates that impact cities.*

**Explanation:** Unfunded mandates, typically laws or regulations created by the state or federal government which are imposed on local governments, impose costs or require local government expenditures without providing the funding to pay for those costs or expenditures. In order to pay for the mandates, local governments are often forced to raise taxes or to reduce services and costs in other areas. Any requirements imposed on local governments by the state or federal government should be accompanied by sufficient funding to pay for the cost of complying with the requirements.

## **Other Revenue Sources**

### **1. Franchise Fees or Comparable Compensation**

*GMA supports the use of negotiated municipal fees or a similar tax mechanism that takes into account provider equity while compensating the municipality and citizens for use of the municipal right-of-way.*

**Explanation:** Fees are typically implemented as part of an agreement between municipalities and a utility company, wireless provider, or other enterprises such as cable companies that utilize public rights-of-way. These fees are essentially the “consideration” of these agreements. They compensate municipalities for the use of the public rights-of-way.

## **2. Debt Setoff**

*GMA supports legislation authorizing local governments to establish a debt setoff program in conjunction with the Georgia Department of Revenue to collect debt owed to local governments.*

**Explanation:** A debt set-off program will allow debts on past-due utility accounts and other debts owed to local governments to be set off against a debtor’s individual state income tax refund. Governments would submit the debts owed to a central clearing house that would transmit the debts to the Department of Revenue’s Income Tax Division for set-off against state income tax returns. Persons listed as debtors to local governments would receive notice of their stated debts and would have the opportunity to appeal and/or pay the debt prior to any offset against income tax refunds. Similar programs have already been successfully implemented in North Carolina and South Carolina.

## **3. Protection of State Funds to Support Government Needs**

*GMA supports a constitutional amendment that would require state funds collected for a specific government purpose to be used for that specific purpose.*

**Explanation:** In years past, funds typically used to support government projects were used or proposed to be used to help meet the state’s budget deficit. The reduction or elimination of funds designed to assist government compliance with state and federal mandates can be detrimental to the health, safety and welfare of all Georgians.

## **4. Excise Tax on Coin Operated Gaming Machines**

*GMA supports allowing local governments to levy an excise tax on coin operated amusement machines to be applied to local public safety operations, law enforcement salaries, and code enforcement.*

**Explanation:** Coin operated amusement machines are currently untaxed locally, making it an anomaly in the state’s tax code. An excise tax dedicated to public safety and code enforcement would offset the demand that these operations place on local law enforcement resources.

# GMA Transportation Policy Committee

*Policies within this chapter are listed in priority order*

## POLICY RECOMMENDATIONS

### 1. Transportation Finance

*GMA recognizes that new and expanded sources of federal, state, and local revenue are needed to provide for the state's growing population, meet increased demands on our transportation systems related to the Savannah Harbor Deepening Project, and allow the state to remain a significant player in the regional and global economy. Long-term, sustainable, and diverse funding streams are necessary to expand and improve the statewide multi-modal transportation network. Specifically, transportation revenues must address needs beyond roads and bridges, including sidewalks, bicycle paths, transit, light rail, and commuter passenger rail.*

**Explanation:** The Transportation Funding Act of 2015 addresses needs identified by the State to maintain the existing system of roads and bridges. Flexible, sustainable revenue options will be needed to insure the ability of the state and local governments to address long-term transportation infrastructure needs. In addition to meeting needs for new roads and bridges, transportation funds must be made available for a wide array of multi-modal local transportation initiatives. With the passage of the Fixing America's Surface Transportation (FAST) into law, there will now be long-term funding certainty for surface transportation infrastructure planning and investment. The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, and rail. While GMA applauds efforts in Congress to authorize a bill that addresses transportation infrastructure needs and provides local decision making for how funds are used, action will be needed at the federal level to identify a long-term source to fully fund the

FAST Act for all five years of the program. Collaboration between the federal, state, and local governments and proper funding for infrastructure needs which include emerging technologies such as autonomous vehicles that may provide innovative transportation and transit solutions are critical to invest in the state and local comprehensive transportation network.

### 2. Remove Cap on Local Taxing Authority

*GMA urges the General Assembly to take swift action to increase the cap on local taxing authority that exists in the Transportation Funding Act of 2015, and to better reflect periodic adjustments to the average retail price on which the local sales taxes are based.*

**Explanation:** Current law included in the Transportation Funding Act of 2015 places a \$3 cap on the levy of local sales taxes on motor fuels. In contrast, state excise taxes on motor fuels are periodically adjusted to account for inflationary and fuel efficiency changes, with no cap. Imposing an artificial cap on local government taxing authority will result in an immediate negative impact for many counties around the state and will not allow local governments to generate sufficient revenues to pay for transportation infrastructure as costs for projects continue to rise each year. Removing this cap and incorporating automatic adjustments based on average statewide retail prices, will help insure an adequate, sustainable revenue stream will be available to help address local transportation needs.

### 3. Rail and Transit Services in Georgia

*GMA supports the planning, funding and operation of commuter passenger rail service and transit services in partnership with the state and federal government and encourages the accelerated development and implementation of the entire Georgia Rail Passenger Program.*



*Additionally, GMA believes that it is critical that funding for Georgia rail and transit come from a combination of local, statewide and federal sources. To facilitate implementation of the state's rail program and interstate passenger rail connectivity, Georgia's governor should make appointments to and revive the Georgia Rail Passenger Authority.*

**Explanation:** As Georgia's population increases, it is becoming more and more difficult to move people in an efficient and cost-effective manner, especially in and between the state's metropolitan areas. The development of viable commuter and passenger rail service is essential to the economic well-being of the state and its municipalities and counties. Complete implementation of the state's rail program will allow real choice in modes of travel for the people of Georgia for years to come. It should be noted that statewide funding for rail transit would not negatively impact the state's existing motor fuel tax, because funding would come from other state and federal appropriations.

#### **4. Public Airports**

*GMA supports policies oriented to the viable, safe operation of airports, which recognize and support airports as a major tool for economic development across Georgia. GMA opposes any attempt to usurp control of or take over any airport owned by a local government or local government authority.*

**Explanation:** The state's 104 general aviation and air carrier airports have a significant economic impact statewide as well as in the communities they serve. The Georgia Department of Transportation (GDOT) estimates that Georgia's commercial and general aviation airports generate more than \$62.6 billion annually in economic impact. Georgia DOT has historically received an average \$2 million appropriation per year for the State Airport Aid Program from state general funds. The funding covers the state's 5 percent match on federal airport improvement projects as well as 75 percent of funding for state and local projects. \$25 million was added in Georgia's FY 2019 budget for improvements and expansions at 11

airports around the state. The improvements include runway extensions to 500 feet or longer which would allow corporate jets to take off and land at smaller airports which is designed to spur economic development in rural areas and alleviate airport congestion at busier metropolitan airports.

#### **5. Strengthen the Relationships between GDOT and Georgia's Municipalities.**

*GMA supports building stronger relationships between GDOT and municipalities that fosters good communication, local input, greater flexibility and an understanding of and sensitivity to the individual character of Georgia's communities in the design and implementation of transportation projects in municipalities. GMA also supports GDOT efforts to streamline and expedite the completion of local transportation projects. GMA believes the following three steps should be taken to build this relationship:*

*(1) GMA urges the state legislature to provide sufficient funding to GDOT to ensure that the Department has adequate staff to provide project review and implementation for local road projects in a timely manner so that scarce state, local, and regional transportation resources can be used as efficiently and effectively as possible.*

*(2) GMA supports an enhanced, substantive role for cities in the evolving statewide planning and project prioritization process at the Georgia Department of Transportation.*

*(3) GMA supports continued, sustained funding for local projects and priorities within this evolving process.*

**Explanation:** Municipal officials recognize the various complexities of transportation projects that GDOT oversees throughout the state. Transportation projects and improvements serve as economic development catalysts in many downtown areas and are crucial for continued investment in municipalities, which ultimately provide benefits for the state as a whole. Project delays with the permitting and review process can lead to increased costs to reach completion and discourage public-private investments. As a

result, GMA is committed to advocating for stronger partnerships between GDOT and city governments so that municipal officials will have access to status reports and updates at all phases of transportation project implementation, including design, permitting, construction, and completion of projects.

## 6. Local Control of Local Road Projects

*GMA urges GDOT to authorize a process to certify local governments to carry out an approved list of projects on local roads without GDOT review and approval.*

**Explanation:** Completion of basic local road projects is often prolonged by the GDOT review and approval process, delaying completion of these projects and resulting in increased project costs. A GDOT-approved list of local projects which can be completed without approval by the Department would allow local officials to expedite road projects and address infrastructure needs more efficiently.

## 7. Review and Update LMIG Distribution Formula

*GMA urges the Georgia Department of Transportation to work with local officials, GMA, and ACCG to review and update the Local Maintenance & Improvement Grant (LMIG) distribution formula no less than every four years using available data from the U.S. Census Bureau and other sources to reflect intensity of use and the economic impact of transportation projects.*

**Explanation:** Currently, LMIG funds are allocated by a formula based on road miles and population. State law authorizes the GDOT Planning Director the discretion to set the formula and to “include considerations of paved and unpaved lane miles and vehicle miles traveled and may include population, employment, and local funding matches available, as well as other factors as may be determined by the division and the director.” Currently, the formula is based on 1/3 population from yearly census estimates and 2/3 local

government-maintained road mileage submitted by each local government. Since GDOT originally set this formula, new information has become readily available which more accurately reflects employment and other factors. Routine periodic review of the formula will allow GDOT to consider incorporating new data to distribute funds where they are needed the most.

## 8. Increased Truck Weights

*GMA opposes legislation to allow increased truck weight limits.*

**Explanation:** State and federal legislative proposals to raise allowable truck weight limits will result in more rapid deterioration of state and local roadways and bridges. Heavy trucks traveling through cities already cause damage to historic buildings, residences, businesses, and municipal infrastructure such as sidewalks and streetscapes. Increasing the current allowable weight variance will only intensify the burden on the state’s roadway system and result in added costs to taxpayers.

## 9. Micromobility Options and Authority

GMA supports the local authority to regulate right-of-way access and management, safety considerations, and user requirements of newly emerging personal transportation modes, including shared electric bikes and electric scooters. Clear definitions for electric scooters and other new types of vehicles, rules of the road that complement safety in use, and limitations on the liability of local governments where such vehicles are utilized are needed in the code to augment cities’ ability to viably harness these new technologies as real transportation options.

**Explanation:** In response to the introduction in many dense, urban areas of micromobility options, such as shared electric bikes and electric scooters, it is important for the General Assembly to create definitions for electric scooters and other micromobility devices, establish rules of the road for both private and commercial use, limit liability and affirm local control where specific populations are being targeted.