AN ORDINANCE **08-O-1565**

BY COMMITTEE ON COUNCIL

(AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE)

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALL OF A SPECIAL ELECTION AND TO CALL A SPECIAL ELECTION, IN ACCORDANCE WITH ACT NUMBER 618 (H. B. 1192), TO DETERMINE THE APPROVAL OR NON-APPROVAL BY THE RESIDENTS OF THE CITY OF ATLANTA, OF A HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES, FROM $15,000.00 TO $30,000.00 AFTER A THREE-YEAR PHASE-IN PERIOD; AND FOR OTHER PURPOSES.

WHEREAS, Georgia General Assembly, 2008 Session,, Act Number 618 (H. B. 1192) (the "Act") provides for a homestead exemption increase from City of Atlanta ad valorem taxes for municipal purposes from $15,000.00 to $30,000.00 after a three-year phase-in period; and

WHEREAS, the Act directs the Municipal Election Superintendent of the City of Atlanta to call and conduct a **special** election for the purpose of submitting this Act to the electors of the City of Atlanta for approval or rejection on the date of the November, 2008 state-wide general election; and

WHEREAS, such "call" as defined by Georgia Code Section 21-2-2 (3) will be made by the Municipal Election Superintendent of the City of Atlanta through the publication of notice of such election in the official legal organ of Fulton County, the Fulton County Daily Report, on **September 3, 2008**; and.

WHEREAS, Act Number 618 (H. B. 1192) was passed by the Georgia House of Representatives on March 18, 2008; and

WHEREAS, Act Number 618 (House Bill 1192) was passed by the Georgia Senate on April 4, 2008; and

WHEREAS, Act Number 618 (House Bill 1192) was signed by the Governor of the State of Georgia on May 13, 2008.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: Call of Election. There shall be and is hereby called, as of the date of first publication of notice on **September 3, 2008** made by the Municipal Clerk as Municipal Election Superintendent of the City of Atlanta, a **special** election to be held in the City of Atlanta on the date of the November, 2008 state-wide general election. Said **special** election shall be held for the purpose of submitting to the electors of the City of Atlanta, the question of whether the homestead exemption from City of Atlanta ad valorem taxes for municipal purposes, shall be increased from $15,000.00 to $30,000.00 over a three-year phase-in period.

Section 2: Question to be Voted Upon. The ballot label to be used in the election shall have printed thereon the question to be determined by the voters, which shall be substantially in the following form. The electors may vote for or against the following question:

( ) YES SHALL THE ACT BE APPROVED WHICH INCREASES THE HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES FROM $15,000.00 TO $30,000.00 AFTER A THREE-YEAR PHASE-IN PERIOD ?

( ) NO

Section 3: Manner of Voting. All persons desiring approval of the Act shall vote "YES", and all persons desiring rejection of the Act shall vote "NO".

Section 4: Results of Voting. If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of Act Number 618 (H. B. 1192) shall become of full force and effect on January 1, 2009, and shall be applicable to all taxable years beginning on or after January 1, 2009. If the Act is not so approved or if the election is not conducted as provided in Section 2 of the Act, the Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

Section 5: Time and Place of Election. The **special** election shall be held in conjunction with the state-wide general election on Tuesday, November 4, 2008 at the regular and established polling places for holding elections in each precinct of the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. The election shall be held in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

Section 6: Authorization to Publish Notice of Election. In addition to the publication of notice defined by Georgia Code Section 21-2-2 (3) as the "call" of the election and noted in Section 1 of this ordinance, the Municipal Clerk as Municipal

Election Superintendent of the City of Atlanta, shall be and is hereby authorized and instructed to further publish a notice in the Fulton County Daily Report, the Atlanta Journal-Constitution and the Champion newspapers, once a week for a period of two (2) weeks immediately preceding the date of the **special** election. Such notice of **special** election shall be in substantially the following form:

[FORM OF NOTICE]

NOTICE OF **SPECIAL** ELECTION TO THE QUALIFIED VOTERS OF THE CITY OF ATLANTA INDEPENDENT SCHOOL DISTRICT

YOU ARE HEREBY NOTIFIED that on Tuesday, the 4th of November, 2008, a **special** election will be held in the City of Atlanta, Georgia (the "City"), at which **special** election there will be submitted to the qualified voters of the City of Atlanta for their determination, the question of whether the homestead exemption from City of Atlanta ad valorem taxes for municipal purposes shall be increased from $15,000.00 to $30,000.00 after a three-year phase-in period. If approved, the phase in period would occur as follows:

(1) For the taxable year beginning on or after January 1, 2009, and prior to January 1, 2010, in the amount of $20,000.00 of the assessed value of that homestead;

(2) For the taxable year beginning on or after January 1, 2010, and prior to January 1, 2011, in the amount of $25,000.00 of the assessed value of that homestead;

(3) For the taxable year beginning on or after January 1, 2011, in the amount of $30,000.00 of the assessed value of that homestead;

A person shall not receive the homestead exemption granted unless that person or person's agent files an affidavit and application with the governing authority of the City of Atlanta, or the designee thereof, giving such information relative to receiving such exemption as will enable the governing authority of the City of Atlanta, or the designees thereof, to make a determination as to whether such owner is entitled to such exemption. The governing authority of the City of Atlanta, or the designee thereof, shall provide affidavit and application forms for this purpose.

The exemption shall be automatically renewed yearly as long as the owner occupies the residence as a homestead with no additional application necessary after the proper affidavit has been filed. The exemption shall not apply to or affect any state taxes, county taxes for county purposes, or City of Atlanta taxes for municipal purposes. The homestead exemption shall be in lieu of and not in addition to any other homestead exemption applicable to City of Atlanta Independent School District ad valorem taxes for educational purposes. The exemption, if approved by the voters, shall apply to all taxable years beginning on or after January 1, 2009.

Voters desiring to vote for the homestead exemption shall do so by voting "YES" and voters desiring to vote against the homestead exemption shall do so by voting "NO" as to the question written or printed on the ballot labels with respect to the Act. Such question shall be substantially as follows:

( ) YES **SHALL THE ACT BE APPROVED WHICH INCREASES THE HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES FROM $15,000.00 TO $30,000.00 AFTER A THREE-YEAR**

( ) NO **PHASE-IN PERIOD?**

The ballot labels for the question propounded above shall have printed thereon the word 'YES" and the word "NO" in order that each voter may cast his or her vote in either the affirmative or the negative as to the question propounded.

The several places for holding the **special** election shall be the regular and established polling places for holding elections in each precinct in the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. on November 4, 2008.

Those qualified to vote at this **special** election shall be determined in all respects in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

FOR INFORMATION ON HOW TO REGISTER AND WHERE TO VOTE, YOU MAY CALL THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT (404) 612-7020 OR INQUIRE AT THE OFFICES OF THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT THE FULTON COUNTY ADMINISTRATION BUILDING, 141 PRYOR STREET, S.W., SUITE 4075, ATLANTA, GEORGIA. THE FINAL DAY FOR REGISTRATION TO VOTE IN SUCH ELECTION SHALL BE OCTOBER 6, 2008.

This notice is given pursuant to the authority of Act Number 618 (H.B. 1192) approved by the Governor of the State of Georgia on May 13, 2008

CITY OF ATLANTA

_____

Rhonda Dauphin Johnson
Municipal Clerk/Election Superintendent

Section 7: Election and Canvass. The appropriate officials of the City shall take or cause to be taken all actions which are required for holding the **special** election in conformity with the constitution and laws of the United States of America and the State of Georgia, including the execution by the Mayor of the City of Atlanta of an agreement with Fulton County, Georgia for all or part of the acts to be performed in the holding of the **special** election and the canvass of the results of the **special** election.

Section 8: Voter Registration. The books for registration of voters in the **special** election shall remain open until the close of business on October 6, 2008.

Section 9: Further Action. The Municipal Clerk is hereby ordered and directed forthwith, as the Municipal Election Superintendent of the City of Atlanta, to take such action in conjunction with the City Council as may be provided by law.

Section 10: Conflict; Repealer. Any and all ordinances in conflict with this ordinance shall be and they are hereby repealed.

AN ORDINANCE **08-O-1565**

BY COMMITTEE ON COUNCIL

AN ORDINANCE TO REGULATE AND PROVIDE FOR THE CALL OF AN ELECTION AND TO CALL AN ELECTION, IN ACCORDANCE WITH ACT NUMBER 618 (H. B. 1192), TO DETERMINE THE APPROVAL OR NON-APPROVAL BY THE RESIDENTS OF THE CITY OF ATLANTA, OF A HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES, FROM $15,000.00 TO $30,000.00 AFTER A THREE-YEAR PHASE-IN PERIOD; AND FOR OTHER PURPOSES.

WHEREAS, Georgia General Assembly, 2008 Session,, Act Number 618 (H. B. 1192) (the "Act") provides for a homestead exemption increase from City of Atlanta ad valorem taxes for municipal purposes from $15,000.00 to $30,000.00 after a three-year phase-in period; and

WHEREAS, the Act directs the Municipal Election Superintendent of the City of Atlanta to call and conduct an election for the purpose of submitting this Act to the electors of the City of Atlanta for approval or rejection on the date of the November, 2008 state-wide general election; and

WHEREAS, such "call" as defined by Georgia Code Section 21-2-2 (3) will be made by the Municipal Election Superintendent of the City of Atlanta through the publication of notice of such election in the official legal organ of Fulton County, the Fulton County Daily Report, on _____; and.

WHEREAS, Act Number 618 (H. B. 1192) was passed by the Georgia House of Representatives on March 18, 2008; and

WHEREAS, Act Number 618 (House Bill 1192) was passed by the Georgia Senate on April 4, 2008; and

WHEREAS, Act Number 618 (House Bill 1192) was signed by the Governor of the State of Georgia on May 13, 2008.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

Section 1: Call of Election. There shall be and is hereby called, as of the date of first publication of notice on _____ made by the Municipal Clerk as

Municipal Election Superintendent of the City of Atlanta, an election to be held in the City of Atlanta on the date of the November, 2008 state-wide general election. Said election shall be held for the purpose of submitting to the electors of the City of Atlanta, the question of whether the homestead exemption from City of Atlanta ad valorem taxes for municipal purposes, shall be increased from $15,000.00 to $30,000.00 over a three-year phase-in period.

Section 2: Question to be Voted Upon. The ballot label to be used in the election shall have printed thereon the question to be determined by the voters, which shall be substantially in the following form. The electors may vote for or against the following question:

( ) YES SHALL THE ACT BE APPROVED WHICH INCREASES THE HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES FROM $15,000.00 TO $30,000.00 AFTER A THREE-YEAR PHASE-IN PERIOD ?

( ) NO

Section 3: Manner of Voting. All persons desiring approval of the Act shall vote "YES", and all persons desiring rejection of the Act shall vote "NO".

Section 4: Results of Voting. If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of Act Number 618 (H. B. 1192) shall become of full force and effect on January 1, 2009, and shall be applicable to all taxable years beginning on or after January 1, 2009. If the Act is not so approved or if the election is not conducted as provided in Section 2 of the Act, the Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

Section 5: Time and Place of Election. The election shall be held in conjunction with the state-wide general election on Tuesday, November 4, 2008 at the regular and established polling places for holding elections in each precinct of the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. The election shall be held in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

Section 6: Authorization to Publish Notice of Election. In addition to the publication of notice defined by Georgia Code Section 21-2-2 (3) as the "call" of the election and noted in Section 1 of this ordinance, the Municipal Clerk as Municipal Election Superintendent of the City of Atlanta, shall be and is hereby authorized and instructed to further publish a notice in the Fulton County Daily Report, the Atlanta Journal-Constitution and the Champion newspapers, once a week for a period of two (2) weeks immediately preceding the date of the election. Such notice of election shall be in substantially the following form:

[FORM OF NOTICE]

NOTICE OF ELECTION TO THE QUALIFIED VOTERS OF THE CITY OF ATLANTA INDEPENDENT SCHOOL DISTRICT

YOU ARE HEREBY NOTIFIED that on Tuesday, the 4th of November, 2008, an election will be held in the City of Atlanta, Georgia (the "City"), at which election there will be submitted to the qualified voters of the City of Atlanta for their determination, the question of whether the homestead exemption from City of Atlanta ad valorem taxes for municipal purposes shall be increased from $15,000.00 to $30,000.00 after a three-year phase-in period. If approved, the phase in period would occur as follows:

(1) For the taxable year beginning on or after January 1, 2009, and prior to January 1, 2010, in the amount of $20,000.00 of the assessed value of that homestead;

(2) For the taxable year beginning on or after January 1, 2010, and prior to January 1, 2011, in the amount of $25,000.00 of the assessed value of that homestead;

(3) For the taxable year beginning on or after January 1, 2011, in the amount of $30,000.00 of the assessed value of that homestead;

A person shall not receive the homestead exemption granted unless that person or person's agent files an affidavit and application with the governing authority of the City of Atlanta, or the designee thereof, giving the person's age and the amount of income which the person and the person's spouse residing within such homestead received during the last taxable year and such additional information relative to receiving such exemption as will enable the governing authority of the City of Atlanta, or the designees thereof, to make a determination as to whether such owner is entitled to such exemption. The governing authority of the City of Atlanta, or the designee thereof, shall provide affidavit and application forms for this purpose.

The exemption shall be automatically renewed yearly as long as the owner occupies the residence as a homestead with no additional application necessary after the proper affidavit has been filed. The exemption shall not apply to or affect any state taxes, county taxes for county purposes, or City of Atlanta taxes for municipal purposes. The homestead exemption shall be in lieu of and not in addition to any other homestead exemption applicable to City of Atlanta Independent School District ad valorem taxes for educational purposes. The exemption, if approved by the voters, shall apply to all taxable years beginning on or after January 1, 2009.

Voters desiring to vote for the homestead exemption shall do so by voting "YES" and voters desiring to vote against the homestead exemption shall do so by voting "NO" as to

the question written or printed on the ballot labels with respect to the Act. Such question shall be substantially as follows:

( ) YES **SHALL THE ACT BE APPROVED WHICH INCREASES THE HOMESTEAD EXEMPTION FROM CITY OF ATLANTA AD VALOREM TAXES FOR MUNICIPAL PURPOSES FROM $15,000.00 TO $30,000.00 AFTER A THREE-YEAR**

( ) NO **PHASE-IN PERIOD?**

The ballot labels for the question propounded above shall have printed thereon the word 'YES" and the word "NO" in order that each voter may cast his or her vote in either the affirmative or the negative as to the question propounded.

The several places for holding the election shall be the regular and established polling places for holding elections in each precinct in the City. Each polling place shall be opened at 7:00 o'clock a.m. and closed at 7:00 o'clock p.m. on November 4, 2008.

Those qualified to vote at this election shall be determined in all respects in accordance and in conformity with the Constitution and laws of the United States of America and the State of Georgia.

FOR INFORMATION ON HOW TO REGISTER AND WHERE TO VOTE, YOU MAY CALL THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT (404) 612-7020 OR INQUIRE AT THE OFFICES OF THE FULTON COUNTY BOARD OF REGISTRATION AND ELECTIONS AT THE FULTON COUNTY ADMINISTRATION BUILDING, 141 PRYOR STREET, S.W., SUITE 4075, ATLANTA, GEORGIA. THE FINAL DAY FOR REGISTRATION TO VOTE IN SUCH ELECTION SHALL BE _____, 2008.

This notice is given pursuant to the authority of Act Number 620 (H.B. 1191) approved by the Governor of the State of Georgia on May 13, 2008

CITY OF ATLANTA

_____

Rhonda Dauphin Johnson
Municipal Clerk/Election Superintendent

Section 7: Election and Canvass. The appropriate officials of the City shall take or cause to be taken all actions which are required for holding the election in conformity with the constitution and laws of the United States of America and the State of Georgia, including the execution by the Mayor of the City of Atlanta of an agreement with Fulton County, Georgia for all or part of the acts to be performed in the holding of the election and the canvass of the results of the election.

Section 8: Voter Registration. The books for registration of voters in the election shall remain open until the close of business on _____, 2008.

Section 9: Further Action. The Municipal Clerk is hereby ordered and directed forthwith, as the Municipal Election Superintendent of the City of Atlanta, to take such action in conjunction with the City Council as may be provided by law.

Section 10: Conflict; Repealer. Any and all ordinances in conflict with this ordinance shall be and they are hereby repealed.

RCS# 2322
8/18/08
9:43 PM

Atlanta City Council

REGULAR SESSION

MULTIPLE 08-O-1562,08-O-1563,08-O-1564,08-O-1565

REFER/FINANCE

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	1
EXCUSED:	0
ABSENT	1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Hall	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	B Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

MULTIPLE