

10-R-1970

(Do Not Write Above This Line)

A RESOLUTION
BY FINANCE/EXECUTIVE
COMMITTEE

A RESOLUTION URGING THE 2011
GEORGIA GENERAL ASSEMBLY TO
SUPPORT THE CITY OF ATLANTA'S
2011 LEGISLATIVE PACKAGE; AND
FOR OTHER PURPOSES.

SUBSTITUTE

AS AMENDED ADOPTED BY

DEC 06 2010

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

Date Referred _____

Referred To: _____

Committee _____

Date _____

Chair _____

Referred To _____

First Reading

F. J. ...
Signature
Date 11/10/10

Fav, Adv, Hold (see rev. side)
Action
Other
Members

Refer To _____

Committee

Date

Chair

Fav, Adv, Hold (see rev. side)
Action
Other
Members

Refer To _____

Committee

Date

Chair

...
Signature
Date _____

Fav, Adv, Hold (see rev. side)
Action
Other
Members

Committee

Date

Chair

Fav, Adv, Hold (see rev. side)
Action
Other
Members

Refer To

Refer To

FINAL COUNCIL ACTION

2nd 1st & 2nd

Readings

Consent V Vote RC

CERTIFIED

DEC 06 2010

ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED

DEC 03 2010

R. L. ...
Signature
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 14 2010

[Signature]
Signature
MAYOR



**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

A RESOLUTION URGING THE 2011 GEORGIA GENERAL ASSEMBLY TO SUPPORT THE CITY OF ATLANTA'S 2011 LEGISLATIVE PACKAGE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has prepared its Legislative Package for presentation to the 2011 Georgia General Assembly; and

WHEREAS, the 2011 Legislative Package contains legislation that will impact the City, and in some cases the State of Georgia, particularly in the areas of economic development, municipal governmental, revenue enhancement, public safety and transportation.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the 2010 Georgia General Assembly is urged to support the City of Atlanta's 2011 Legislative Package, which includes the proposals in Exhibit A (attached).

A true copy,


Municipal Clerk

ADOPTED as amended by the Council
APPROVED by Mayor Kasim Reed

DEC 06, 2010
DEC 14, 2010

CITY OF ATLANTA

2011 LEGISLATIVE PACKAGE



KASIM REED
MAYOR

Prepared by the
OFFICE OF EXTERNAL AFFAIRS



CANDACE BYRD
Chief of Staff
MEGAN MIDDLETON
Intergovernmental Affairs Manager

2011 GENERAL ASSEMBLY

CITY OF ATLANTA

2011 LEGISLATIVE PACKAGE

1. REVENUE/FISCAL

- A. Increase the wholesale alcohol tax. (p.3)
- B. Increase the tax on alcohol-by-the-drink. (p.4)
- C. Impose a tax on beer and wine by-the-glass. (p.5)
- D. Allow municipal court to add a 10% surcharge to any criminal or traffic fine imposed to fund court programs. (p.6)
- E. Allow local governments to increase the E-911 Fee on landlines and cell phones to cover the true costs of the service. (p.7)
- F. Property tax exemption for public safety employees and teachers living in the City. (p.8)
- G. Authorize local governments to levy sales tax in increments of 1/10 of 1%.

2. PUBLIC SAFETY

- A. Require vacant property owner identification. (p.9)
- B. Transfer of blighted property. (p.10)
- C. Copper/Metals Theft (p.11)
- D. Speed detection cameras in school zones. (p.12)
- E. Allow community courts to create and administer pretrial intervention and diversion programs. (p.13)
- F. Restrict ownership of assault weapons within the city limits. (p.14)

3. MUNICIPAL GOVERNMENT

- A. Amend state law to change local government contract expiration term to read “fiscal” instead of “calendar”. (p.15)
- B. Require independent school districts to compensate municipalities for the cost of conducting their elections. (p.16)
- C. Exempt a citizen review board from the requirement to release documents under an open records request until all entities have finished their respective investigations. (p.17)

4. SEWER/WASTEWATER

- A. Permit the use of liens to collect water/sewer bills. (p.18)
- B. Support earmarking of stipulated penalties paid to the State of Georgia for spills and other Consent Decrees violations to fund supplemental environmental projects in the City of Atlanta. (p.19)

WHOLESALE ALCOHOL EXCISE TAX

Department: Finance

Summary/Requested Change – This proposal would amend the City Charter via General Assembly approval and would give the City the authority to impose an excise tax on the sale of distilled spirits by the package, at the wholesale level. The current rate is \$0.22 per liter of distilled spirits, excluding fortified wines.

The proposed rate is \$0.33 per liter of distilled spirits, excluding fortified wines.

Expenses/Fiscal Estimate – This tax currently generates \$10 million in tax revenues. A \$0.11 per liter increase would result in an additional \$5 million in tax revenues.

ALCOHOL TAX-BY-THE-DRINK

Department: Finance

Summary/Requested Change – This proposal would amend the City Charter via General Assembly approval and would give the City the authority to increase the existing Alcohol excise tax by-the-drink from 3% to (5%) of the purchase price.

Expenses/Fiscal Estimate – A 5% excise tax would result in an estimated \$8 million in revenues based on estimated gross receipts of \$160 million. Currently the City receives \$4.8 million; *the net increase would be \$3.2 million.*

BEER AND WINE BY-THE-DRINK TAX

Department: Finance

Summary/Requested Change – This proposes an amendment to the City Charter by which the General Assembly would give the City the authority to impose an excise tax by-the-drink on beer and wine at three percent (3%) of the purchase price.

The City currently has a tax-by-the-drink excise tax on mixed drinks, which is levied at three percent (3%) of the purchase price.

Expenses/Fiscal Estimate – This proposed excise tax is estimated to generate \$2.5 million dollars annually.

Additional Information – The cost associated with this tax would be passed on to members of the drinking public that dine in restaurants and socialize in bars and taverns within the City of Atlanta. The enforcement of this tax would not create any additional expenses to the City and could be regulated in the same manner as the tax-by-the-drink on mixed drinks that is currently being levied.

COURT PROGRAMS FUNDING

Department: Municipal Court

Summary - Amend the Charter of the City of Atlanta, Georgia Adopted under and by virtue of the authority of the Municipal Home Rule Act of 1965, O.C.G.A. Section 36-35-1. So as to allow the City of Atlanta Municipal Court (hereinafter "the Court") to assess a surcharge of 10 percent of any fine imposed, not to exceed \$50.00 for any offense against a criminal or traffic law of this state or any ordinance of the City of Atlanta to support court programs; 5 percent of such surcharge funds shall be deposited into a project account (to be titled "Municipal Court Programs") of the general fund to be used for court programs (i.e. mental illness) ; and the other 5 percent shall be deposited into a state surcharge fund to be used for court programs.

Expenses/Fiscal Estimate – The City of Atlanta would collect approximately \$1M/yr in additional revenue based on current case filings. Of which, \$500K/yr would be remitted to the State.

There would be no additional labor cost to assess the 10% surcharge fee.

Additional Information – Currently, the City of Atlanta funds 40 percent of court programs and the other 60 percent is funded via federal/state funds. Due to nationwide budget cuts, these funding sources are at risk. As such, the court is seeking additional revenue streams to maintain the much needed and valuable court programs. Furthermore, this 10 percent surcharge assessment will also benefit the initiatives of the Georgia Superior Court Clerks' Cooperative Authority (GSCCCA).

E-911 FEE

Department: Finance

Departmental Contact: Gary Donaldson

Summary – The City of Atlanta has been operating the 911 emergency service operations at a deficiency every year since its inception. State law limits the fee amount charged to landline and wireless cell phone users to \$1.50 per month per line. The audited accumulated deficit between fiscal years 2007 through June 30, 2009 is negative \$31 million.

Requested Change to Current Law – Amend O.C.G.A. 46-5-134, **Payment and collection of monthly “9-1-1” and wireless enhanced “9-1-1”** to allow for local governments to charge fees to recoup the true costs of maintaining a 9-1-1 program.

Expenses/Fiscal Estimate – According to the latest audit, the cost of providing the E-911 system at \$16 million for the City. Raising the fee to recoup costs would prevent the City from having to cover these costs from the general fund.

Additional Information – The City of Atlanta’s 911 system serves more than its 530,000 citizens. The system also serves many workers, tourists, conventioners, elected officials who come into Atlanta every day and deserve a strong 911 system to answer their calls and provide assistance.

PROPERTY TAX EXEMPTIONS

Department: Mayor's Office

Departmental Contact: Megan Middleton

Summary – Proposed Constitutional amendment to authorize a local government to exempt from ad valorem taxation, the assessed value of a homestead owned by a teacher, firefighter or law enforcement officer employed by the local government or school system contiguous with such local government. The exemption would be subject to voter approval of a referendum.

Requested Change to Current Law – Article VII, Section II of the constitution is amended by revising Paragraph III:

Paragraph III(b)(1) ~~Repealed~~ The governing authority of any county or municipality, subject to the approval of a majority of the qualified electors of such political subdivision voting in a referendum thereon, may exempt from ad valorem taxation, in whole or in part, including all such taxation levied for educational purposes and for state purposes, the assessed value of a homestead owned solely or jointly by a firefighter, a law enforcement officer, or a teacher employed by such political subdivision or by the school system continuous with such political subdivision. The General Assembly shall by general law provide requirements for qualifying for such exemption.

(2) Exemptions granted pursuant to this subparagraph (b) may only be revoked by a referendum election called and conducted as provided by law. The call for such referendum shall not be issued within five years from the date such exemptions were first granted and, if the results of the election are in favor of the revocation of such exemptions, then such revocation shall be effective only at the end of a five-year period from the date of such referendum.

(3) Procedures for the implementation, administration, and revocation of the exemptions authorized in this subparagraph (b) shall be provided for by general law.

Additional Information – SR 515 passed the Georgia Senate in 2008 but the session ended before it could be voted on by the House.

AUTHORIZE LOCAL SALES TAXES IN INCREMENTS OF 1%

Department: **City Council**

Summary: Amend State law to allow local governments to levy sales taxes in increments of 1%. The revenues raised could be used for various city services, such as water/sewer infrastructure, public works, parks and recreation, police, fire, corrections, courts, etc. Currently, State law requires sales taxes to be implemented in increments of 1/10 of 1%.

RESIDENTIAL PROPERTY OWNER IDENTIFICATION

Department: Planning & Community Development

Summary/Requested Change – The Bureau of Code Compliance respectfully proposes amending O.C.G.A. § 36-74-30(b). This code section prohibits local governments from requiring registration of residential property. Rather than an outright repeal of 30(b), the Bureau proposes two exceptions to the rule so that local governments may:

1. require owners of vacant property to register
2. require owners of property previously cited for highly hazardous conditions, such as vacant dwellings which are open and unsecured against unforced entry, structurally unsound dwellings, and dilapidated, decayed, unsafe, and unsanitary dwellings, to register.

The Bureau believes that by amending the law to accommodate these two scenarios above, rather than an outright repeal, the requested legislation will have a better chance of success and will go a long way towards both preventing and remedying the most prevalent types of housing code violations.

Expenses/Fiscal Estimate – If the state legislation were successful, the City could pass a local ordinance requiring that residential property owners' identification be filed with the city. As currently contemplated, pursuant to that ordinance, there would be a standard annual registration fee of \$100-\$500 with further provisions that for each year the property remains vacant with identified code violations the registration fees would increase by \$250. Also, there would be a need for three additional staff members within Housing Code Compliance: one coordinator and two support staff.

Additional Information – The intent of this proposal is to put the Bureau and the City in a better position to actually locate owners and regulate properties meeting one or both of the conditions listed above. The current law was passed some five or six years ago because local governments were requiring rental property owners to submit to annual inspections as well as divulge tenant information. It should be noted that the Bureau has no interest in requiring the names of tenants as part of any identification process. Rather, any required identification would focus on the property owner, which is already a matter of public record. However, often times the public records do not reflect a physical and correct address for the owner, but rather a P.O. box or the address of the property itself. The identification requirement simply makes it more efficient and effective for the Bureau to determine and notify the correct person/entity at the correct address. This in turn makes it easier to remedy potential code violations.

TRANSFER OF BLIGHTED PROPERTY

Department: Planning & Community Development

Summary/Requested Change:

The remedy of blight is a public use. Because the remedy of blight is a public use, the city may exercise eminent domain upon prior payment of just compensation. O.C.G.A. 22-2-2(b) states “All condemnations shall not be converted to any use other than a public use for 20 years from the initial condemnation.” While, as stated previously, remedy of blight is a public use, there is uncertainty about what this means with respect to transfer of title.

Amend O.C.G.A. 22-2-2 to clarify that the 20 year public use rule does not preclude the city from transferring title to private parties once the blight is remedied. Clarification on what the city may legally do with condemned property once the blight is remedied is needed.

COPPER/METALS THEFT

Department: APD

Summary/Requested Change:

The proposal is to amend O.C.G.A. Title 43 to allow for the regulation of secondary metal recycling. Currently, O.C.G.A. § 10-1-350 et seq. sets forth procedures governing the operations of secondary metals recyclers but does not require secondary metals recyclers to register with either the state or local governments. Law enforcement's ability to ensure that persons and entities which are lawfully engaged in secondary metal recycling are abiding by the procedures set forth in the state law is limited.

Expenses/Fiscal Estimate – An exact figure is unknown. However, city property is repeatedly being stolen (wires from light poles, manhole covers, AC units) and having to be replaced at great expense to the City.

SPEED DETECTION CAMERAS IN SCHOOL ZONES

Department: Public Works

Summary/Requested Change – The purpose of the legislation is to allow for the inclusion of "photo" speed detection in the existing State legislation (O.C.G.A.40-14) that permits the use of electronic speed detection devices in certain circumstances. The specific intended use is to provide enhanced enforcement in school zones to protect Atlanta's children. Photo enforcement is proven to reduce speeds and collisions in areas where it is deployed.

Expenses/Fiscal Estimate – Detailed cost estimates for permanent free-standing units are being researched. Designated Vehicle Unit costs are \$100-200,000.

Additional Information – Arizona and DC are currently using photo speed detection, as are more than 75 countries around the world. HB 294 passed out of the House in 2005, but did not receive a vote by the Senate Judiciary Committee. It was amended and passed by the Senate in 2006, but the conference committee was unable to come to agreement, so the bill failed.

COMMUNITY COURT AUTHORIZATION

Department: Judicial Agencies

Summary/Requested Change – To amend Article 4 of Chapter 18 of Title 15 of OCGA, relating to pretrial intervention and diversion programs, so as to allow certain courts to create and administer pretrial intervention and diversion programs, etc.

Suggested Proposal: amend this legislation to strike, “.....The prosecuting attorney for state courts, probate courts, magistrate courts, municipal courts, and any other court.....” to read “.....The prosecuting attorney and/or solicitors for state courts, probate courts, magistrate courts, municipal courts, drug courts, mental health courts, community courts, problem – solving courts and any other court”

Intent: (1) to name the problem-solving courts as a part of the group of courts, giving them equal status; (2) Solicitors (not the prosecuting attorney) work in state courts, magistrate courts, municipal courts; (3) needs clarity that the “court” itself shall be authorized to create and administer a Pretrial Intervention and Diversion Program, i.e. in our court all of the diversion programs come out of the Office of Court Programs and the Community Court Division.

Expenses/Fiscal Estimate – This will not create additional cost for the City of Atlanta and/or the Judicial Agencies. It could possibly bring additional fine resources, but amount would be small.

Additional Information – Related legislation (HB 718) passed last year, and this proposal seeks to complete the definitional process 718 began.

ASSAULT WEAPONS BAN

Department: Mayor's Office

Summary/Requested Change – The purpose of the legislation is to amend the State firearm regulation law to allow city governments to regulate in the area of firearm possession, transport and carrying of firearms within the City.

State law currently only allows the State to regulate firearm possession. The City struggles with active gang activities as well as other crime, and allowing assault weapons unnecessarily exposes citizens and visitors to dangerous circumstances. State legislation needs to resolve any ambiguity and give municipalities the authority to outlaw assault weapons.

CONTRACT EXPIRATION TERM

Department: Law

Summary – Amend 36-60-13 Multiyear Lease, Purchase or Lease Purchase Contracts. The section requires contracts to expire at the end of each “calendar year”. The original intent was to make sure that a contract could not be valid (and, thus, hinder the fiscal authority of a subsequent council) beyond the appropriated funding. The section needs to be changed to reflect that contracts expire at the end of each fiscal year.

Requested Change to Current Law –

§ 36-60-13. Multiyear lease, purchase, or lease purchase contracts

Amend “calendar” to read “fiscal”.

SCHOOL BOARD ELECTIONS

Department: City Council

Summary – This proposal asks for changes to state law to permit and require independent school systems such as the Atlanta Public Schools to compensate their municipal government for the cost of conducting their elections.

Requested Change - Current judicial interpretation of state law prohibits the school board from expending funds to pay for an election. As a result, the City of Atlanta is forced to pay for both its own elections and that of the school board. For school board elections that overlap with regularly scheduled municipal elections, the City is seeking to split the cost of conducting the election. For special elections held when the City would not otherwise be conducting an election, the City asks that the school board compensate us for the entirety of the costs incurred.

Expenses/Fiscal Estimate – A citywide election costs in excess of \$1.4 million. Most elections are held at the same time City of Atlanta elections are held, and therefore the school district should share approximately half the cost. When the school board has a special election, the cost can be as much as \$60,000 per district, which should be paid for fully by the school district.

OPEN INVESTIGATION EXEMPTION

Department: City Council

Summary – Amend O.C.G.A. 50-18-72 regarding open records exemptions.

Requested Change to Current Law –

Exempt a citizen review board from the requirement to release documents under an open records request until all entities and/or departments have finished their respective investigations. This change will allow the citizen review board, in their advisory role, to render their advisory decision prior to the completion of concurrent investigations being conducted by the police department, office of professional standards, county district attorneys office, etc., which are currently exempt, from releasing said information before a final decision is rendered.

WATER AND WASTEWATER LIENS

Department: Watershed Management

Summary – The intent of this proposal to hold property owners responsible for unpaid water and wastewater charges for the purpose of filing liens on rented property.

Requested Changes:
GA Code 36-60-17

(b) For each new or current account to supply water to any premises or property, the public or private water supplier shall maintain a record of identifying information on the property owner as well as the user of the water service and shall seek reimbursement of unpaid charges for water service furnished initially from the user or property owner ~~person who incurred the charges~~.

(c) A public or private ~~water~~ supplier of water and sewerage service shall ~~not~~ impose a lien against real property to secure unpaid charges for water and sewerage service ~~furnished unless the owner of such real property is the person who incurred the charges~~.

(d) ~~A p~~ Public or private supplier of gas, ~~sewerage service~~, or electricity shall not impose a lien against real property to secure unpaid charges for gas, ~~sewerage service~~, or electricity unless the owner of such real property is the person who incurred the charges.

CONSENT DECREE FINE RECYCLING

Department: Watershed Management

Summary – The Consent Decree and First Amended consent Decree provides for payment of stipulated penalties pursuant to noncompliance with terms and conditions of such decrees. The State of Georgia receives 50% of such penalties paid by the City, the balance being paid to the USEPA. This proposal asks the General Assembly to direct EPD to negotiate the use of fines for water quality projects in the impacted basins.

Requested Change – The Georgia Department of Natural Resources, Environmental Protection Division, has the authority to recommend the programming of penalty proceeds for Atlanta sponsored supplemental environmental projects.

Expenses/Fiscal Estimate – Keeps stipulated penalties (currently about \$250k to \$500k per year to EPD) within the City, to provide funding to address lower priority environmental projects.

Additional Information – The City has paid in excess of \$6,000,000 in fines relating to settling consent decree matters.

KASIM REED

Mayor



ATLANTA CITY COUNCIL

CEASAR C. MITCHELL

President



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District 1

KWANZA HALL

District 2

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District 3

CLETA WINSLOW

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District 11

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District 12

MICHAEL JULIAN BOND

Post 1, At Large

AARON WATSON

Post 2, At Large

H. LAMAR WILLIS

Post 3, At Large

RCS# 748
12/06/10
7:17 PM

Atlanta City Council

REGULAR SESSION

10-R-1970

URGING 2011 GEORGIA GENERAL ASSEMBLY
TO SUPPORT ATLANTA'S 2011 LEGISL.PKG
ADOPT/SUB/AMEND

YEAS: 11
NAYS: 2
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 1
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Bond
E Hall	B Wan	Y Martin	Y Watson
Y Young	N Shook	Y Bottoms	Y Willis
Y Winslow	N Adrean	Y Sheperd	NV Mitchell

10-R-1970