

12-*R*-1557

(Do Not Write Above This Line)

A RESOLUTION  
BY FINANCE/EXECUTIVE  
COMMITTEE

A RESOLUTION URGING THE 2013  
GEORGIA GENERAL ASSEMBLY TO  
SUPPORT THE CITY OF ATLANTA'S  
2013 LEGISLATIVE PACKAGE; AND  
FOR OTHER PURPOSES.

*As Amended*

ADOPTED BY  
NOV 19 2012  
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: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

*Fin. Committee*

Date

*11-19-12*

Chair

*John Harris*

Action

Fav, Adv, Hold (see rev. side)

Other

Members

*John Harris*

*John Harris*

*HHS*

*Johnson*

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

FINAL COUNCIL ACTION

2nd  1st & 2nd  3rd

Consent  V Vote  RC Vote

CERTIFIED

NOV 19 2012

ATLANTA CITY COUNCIL, PRESIDENT

*John Harris*

NOV 19 2012

*Richard B. Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

NOV 28 2012

WITHOUT SIGNATURE  
BY OPERATION OF LAW



**AN AMENDED RESOLUTION  
BY FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION URGING THE 2013 GEORGIA GENERAL ASSEMBLY TO SUPPORT THE CITY OF ATLANTA'S 2013 LEGISLATIVE PACKAGE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") has prepared its Legislative Package for presentation to the 2013 Georgia General Assembly; and

**WHEREAS**, the 2013 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 2013 Georgia General Assembly is urged to support the City of Atlanta's 2013 Legislative Package, which includes the proposals in Exhibit A (attached).

A true copy,

Deputy Municipal Clerk

**ADOPTED** as amended by the Atlanta City Council  
**APPROVED** as per City Charter Section 2-403

**November 19, 2012**  
**November 28, 2012**



# CITY OF ATLANTA

## 2013 LEGISLATIVE PACKAGE



**KASIM REED**  
MAYOR

Prepared by the  
**OFFICE OF EXTERNAL AFFAIRS**

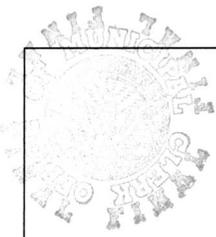


**CANDACE BYRD, ESQ.**  
*Chief of Staff*

**MEGAN S. MIDDLETON, ESQ.**  
*Intergovernmental Affairs Manager*

**JUSTIN G. TANNER, J.D.**  
*Legislative Analyst*

**2013 GENERAL ASSEMBLY**



## **CITY OF ATLANTA 2013 LEGISLATIVE PACKAGE**

### **1. REVENUE/FISCAL**

- A. Allow local governments to increase the E-911 Fee.
- B. Allow municipal courts to add a surcharge to any criminal or traffic fine imposed to fund court programs.
- C. Allow for a jail booking fee to cover costs associated with booking arrestees.
- D. Allow municipal jails to charge a bonding per charge fee.
- E. Increase the wholesale alcohol tax.
- F. Increase the tax on alcohol-by-the-drink.
- G. Impose a tax on beer and wine by-the-glass.
- H. Authorize local governments to levy sales tax in increments of 1/10 of 1%.
- I. Require the \$1 tire fee for new tires be used by Georgia's Environmental Protection Division for scrap tire management and cleanup and further review of current law.

### **2. PUBLIC SAFETY**

- A. Allow local government to remedy blight and then transfer the property to private party.

### **3. MUNICIPAL GOVERNMENT**

- A. Amend state law to change local government contract expiration term to read "fiscal" instead of "calendar".
- B. Require independent school districts to compensate municipalities for the cost of conducting their elections. Constitutional Amendment
- 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.



## **E-911 FEE**

**Department: Finance**

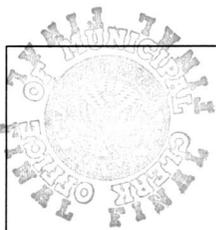
**Contact: Gary Donaldson / Carol King**

**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 landlines, wireless cell phones and VOIP 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 is \$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’s 911 system serves approximately 450,000 Atlanta citizens. It also serves approximately 1 million additional people (workers, tourists, conventioners, elected officials) who come into Atlanta every day and deserve a strong 911 system to answer their calls and provide assistance.



## COURT PROGRAMS FUNDING

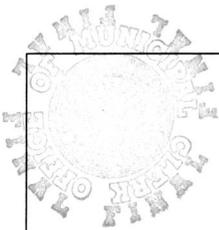
**Department: Municipal Court**

**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 \$10.00 to any fine imposed, 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).

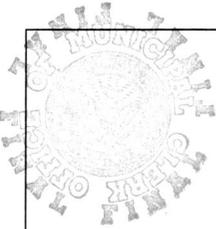


## JAIL BOOKING FEE

**Department:** Corrections  
**Contact:** Chief Labat

**Summary** – Allow for a jail booking fee of \$125 to cover the costs associated with booking arrestees.

**Expenses/Fiscal Estimate** – The estimated total fees received would be \$814,950 per year to cover the jail's costs.



## BONDING PER CHARGE FEE

**Department:** Corrections  
**Contact:** Chief Labat

**Summary** – Allow municipal jails to charge a separate \$20 bond for each charge. Counties currently have this ability to do this.

**Expenses/Fiscal Estimate** – The estimated total fees received would be \$1,294,830 per year to cover the jail's costs.



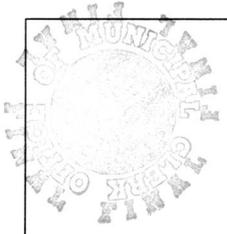
## WHOLESALE ALCOHOL EXCISE TAX

**Department: Finance**

**Contact: Gary Donaldson**

**Summary/Requested Change** – This proposal would allow the City to increase the 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, and the proposed increase would raise the tax to \$0.33 per liter.

**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**  
**Contact: Gary Donaldson**

**Summary/Requested Change** – This proposal would allow the City the authority to increase the existing Alcohol excise tax by-the-drink from three percent (3%) to five percent (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  
**Contact:** Gary Donaldson

**Summary/Requested Change** – This proposal would allow the City to impose an excise tax by-the-drink on beer and wine at five percent (5%) of the purchase price.

**Expenses/Fiscal Estimate** – This proposed excise tax is estimated to generate \$4.5 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.



## AUTHORIZED LOCAL SALES TAXES IN INCREMENTS OF 1%

**Department: City Council**

**Summary:** Currently State law requires sales taxes to be implemented in increments of 1/10<sup>th</sup> of 1%. The proposal would 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.



## SCRAP TIRE MANAGEMENT

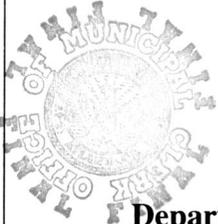
**Department: City Council**

**Summary** – This proposal asks for changes to state law so as to prevent the redirection of fees that are legislatively mandated to be deposited into the Solid Waste Trust Fund (“SWTF”). Such fees include a one dollar charge that is added to the cost of every new tire sold in Georgia. This one dollar charge is to be turned over to the State of Georgia for deposit into the SWTF. The SWTF provides for scrap tire management and cleanup, litter prevention and abatement, closure of abandoned landfills, and other solid waste corrective actions in order to improve the environment. In Fiscal Year 2008, approximately six million dollars generated from such tire fees were deposited into the SWTF and were used for the purposes intended. In Fiscal Year 2009, of the approximately six million dollars collected, only approximately two million dollars generated from such tire fees were deposited into the SWTF and were used for the purposes intended. It is understood that in Fiscal Years 2010 and 2011, no funds generated from tire fees were deposited into the SWTF.

The passage of this legislation would provide monetary assistance to Atlanta and the rest of the state through the distribution of funds from the SWTF to assist in environmental cleanup in general, and scrap tire management and cleanup in particular.

In addition to the above, it is proposed that the Georgia State law on tire disposal found at Georgia Code Section 12-8-40.1 be reviewed by the state legislature to consider modifications to the present state law that would require a statewide increase and improvement in enforcement and prosecution regarding the serious issue of illegal scrap tire dumping.

**Expenses/Fiscal Estimate** – To the extent that the City will be spending its financial and manpower resources to enforce the City’s new Scrap Tire Ordinance (once it is passed) to address the issue of illegal scrap tire dumping, any financial and manpower assistance that can be provided by the State of Georgia through the use of funds from the SWTF will be of assistance in allowing the City to redirect its resources to other pressing needs.



## TRANSFER OF BLIGHTED PROPERTY

**Department: Planning & Community Development**

**Contact: Commissioner Shelby**

**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.

## 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”.

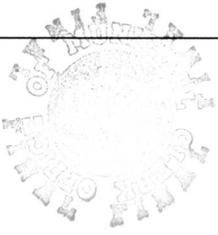


## OPEN INVESTIGATION EXEMPTION

**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.



**KASIM REED**

*Mayor*



**ATLANTA CITY COUNCIL**

**CEASAR C. MITCHELL**

*President*



**CARLA SMITH**

*District 1*

**KWANZA HALL**

*District 2*

**IVORY LEE YOUNG, JR.**

*District 3*

**CLETA WINSLOW**

*District 4*

**NATALYN MOSBY ARCHIBONG**

*District 5*

**ALEX WAN**

*District 6*

**HOWARD SHOOK**

*District 7*

**YOLANDA ADREAN**

*District 8*

**FELICIA A. MOORE**

*District 9*

**C. T. MARTIN**

*District 10*

**KEISHA BOTTOMS**

*District 11*

**JOYCE SHEPERD**

*District 12*

**MICHAEL JULIAN BOND**

*Post 1, At Large*

**AARON WATSON**

*Post 2, At Large*

**H. LAMAR WILLIS**

*Post 3, At Large*

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11/19/12  
2:23 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I  
EXCEPT 12-O-1416  
ADOPT

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

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

CONSENT I

		<b>11-19-12</b>
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPDED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>
1. 12-O-1404	35. 12-R-1558	69. 12-R-1581
2. 12-O-1504	36. 12-R-1559	70. 12-R-1582
3. 12-O-1505	37. 12-R-1560	71. 12-R-1583
4. 12-O-1506	38. 12-R-1561	72. 12-R-1584
5. 12-O-1507	39. 12-R-1562	73. 12-R-1585
6. 12-O-1598	40. 12-R-1563	<b>ITEMS ADVERSED ON CONSENT</b>
7. 12-O-1515	41. 12-R-1564	74. 12-R-1586
8. 12-O-1516	42. 12-R-1596	75. 12-R-1587
9. 12-O-1525	43. 12-R-1617	76. 12-R-1588
10. 12-O-1526	44. 12-R-1625	77. 12-R-1589
11. 12-O-1609	45. 12-R-1626	78. 12-R-1590
12. 12-O-1611	46. 12-R-1538	79. 12-R-1592
13. 12-O-1495	47. 12-R-1540	80. 12-R-1593
14. 12-O-1497	48. 12-R-1541	
15. 12-O-1498	49. 12-R-1601	
16. 12-O-1608	50. 12-R-1602	
17. 12-O-1508	51. 12-R-1616	
18. 12-O-1509	52. 12-R-1511	
19. 12-O-1523	53. 12-R-1542	
20. 12-R-1566	54. 12-R-1543	
21. 12-R-1567	55. 12-R-1544	
22. 12-R-1568	56. 12-R-1612	
23. 12-R-1547	57. 12-R-1624	
24. 12-R-1548	58. 12-R-1570	
25. 12-R-1549	59. 12-R-1571	
26. 12-R-1619	60. 12-R-1572	
27. 12-R-1096	61. 12-R-1573	
28. 12-R-1347	62. 12-R-1574	
29. 12-R-1355	63. 12-R-1575	
30. 12-R-1531	64. 12-R-1576	
31. 12-R-1554	65. 12-R-1577	
32. 12-R-1555	66. 12-R-1578	
33. 12-R-1556	67. 12-R-1579	
34. 12-R-1557	68. 12-R-1580	