

3276

13-R-3851
(Do Not Write Above This Line)

**A RESOLUTION
BY FINANCE/EXECUTIVE COMMITTEE**

**A RESOLUTION URGING THE 2014
GEORGIA GENERAL ASSEMBLY TO
SUPPORT THE CITY OF ATLANTA'S 2014
LEGISLATIVE PACKAGE; AND FOR OTHER
PURPOSES.**

ADOPTED BY
DEC 02 2013
COUNCIL

As Amended

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

Date Referred _____
 Referred To: _____
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 Date Referred _____
 Referred To: _____

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

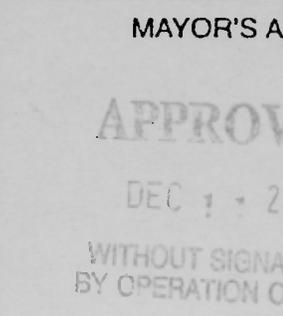
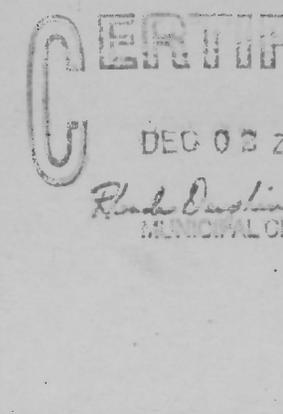
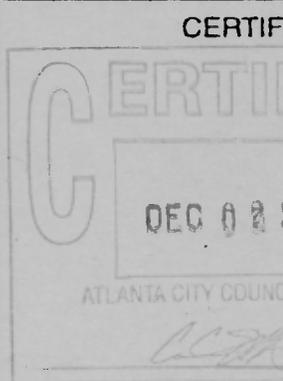
F/E Committee _____
 Date *11/25/13* _____
 Chair *[Signature]* _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other *As Amended* _____
 Members _____
U. Archibald
[Signature]
[Signature]
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yadream
 Refer To *[Signature]* _____

Committee _____
 Date _____
 Chair _____
 Action _____
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 Members _____
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 Members _____
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FINAL COUNCIL
 2nd 1st &
 Reading
 Consent V Vc





**CITY COUNCIL
ATLANTA, GEORGIA**

13-R-3851

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

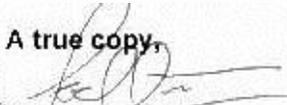
A RESOLUTION URGING THE 2014 GEORGIA GENERAL ASSEMBLY TO SUPPORT THE CITY OF ATLANTA'S 2014 LEGISLATIVE PACKAGE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") has prepared its Legislative Package for presentation to the 2014 Georgia General Assembly; and

WHEREAS, the 2014 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.

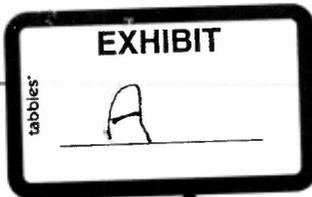
THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the 2014 Georgia General Assembly is urged to support the City of Atlanta's 2014 Legislative Package, which includes the proposals in Exhibit A (attached).

A true copy,


Deputy Clerk

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

DEC 02, 2013
DEC 11, 2013



CITY OF ATLANTA

2014 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

2014 GENERAL ASSEMBLY



CITY OF ATLANTA 2014 LEGISLATIVE PACKAGE

1. REVENUE/FISCAL

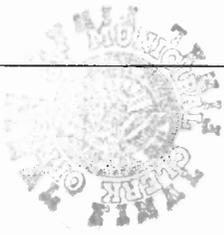
- A. Modernize 9-1-1 funding to address rising costs due to changes in technology and services.
- B. Allow municipal courts to add a surcharge to any criminal or traffic fine imposed to fund court programs.
- C. Allow for a jail booking fee to cover costs associated with booking arrestees.
- D. Allow municipal jails to charge a bonding per charge fee.
- E. Authorize local governments to levy sales tax in increments of 1/10 of 1%.

2. PUBLIC SAFETY

- A. Allow local government to remedy blight and then transfer the property to private party.
- B. Amend "vehicle" in OCGA 40-1-1(75) to include devices used exclusively upon stationary rails or tracks.
- C. Permit local governments to provide regulations of the use of all-terrain vehicles.

3. MUNICIPAL GOVERNMENT

- A. Exempt a citizen review board from the requirement to release documents under an open records request until all entities have finished their respective investigations.
- B. Authorize extended alcohol sales in secured areas of the airport to better serve passengers, particularly those accustomed to travelling internationally.



MODERNIZE 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

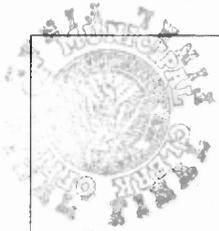
Department: Municipal Court
Contact: Christopher Patterson

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.

Requested Change to Current Law: Propose local legislation to allow the City of Atlanta to amend the charter to allow for a jail booking fee. This is a new fee that Corrections will impose upon persons booked into the city jail. Other states allow for this fee to offset jail costs.

Expenses/Fiscal Estimate – Based on the number of detainees booked into the jail (FY13 - 34,302) the projected fees would be \$857,550.00 annually (20% of detainees booked at \$125).

Additional Information: Monies generated by the jail booking fee would be utilized to provide inmate treatment programs and specialized mental health training for officers.

The Department of Corrections was awarded the Justice and Mental Health Collaboration grant to complete the planning process and full implementation of integrated assessment, treatment, and case management services for inmates with mental illnesses and with co-occurring mental health and substance abuse disorders during their incarceration. This program bridges the gap between incarceration and community connections to mental health resources by partnering more effectively with community treatment providers. Collaboration with community partners will assist mentally ill recidivists with successfully reintegrating into the community. Federal funding for the planning and implementation of this program is vital, but the continued funding of the program, or expanded mental health treatment initiatives, ensures the success and effectiveness of program.

This charge would only apply to those who are brought to the facility and booked in. As with bonds, the jail booking fee would be refunded if the person is not charged, is acquitted, or if all charges are dismissed.



BONDING PER CHARGE FEE

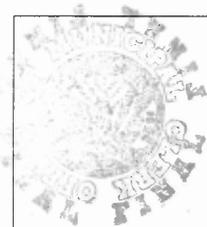
Department: Corrections
Contact: Chief Labat

Summary – Allow municipal jails to charge a separate \$20 bond for each charge. County sheriffs currently have the authority to do this.

Requested Change to Current Law: Propose local legislation that would seek to amend the City of Atlanta's charter and allow the city to charge a separate \$20 bond for each charge.

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

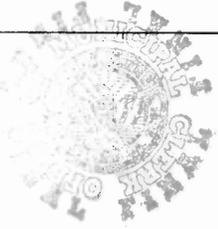
Additional Information: These fees would be collected pursuant to this section and placed in the City Jail Fund. Funds shall be expended by the governing authority of the city solely and exclusively for construction, operating, and staffing the city jail, city correctional institutions, and city detention facilities or for the purpose of contracting for such facilities with other cities, counties, the state or other political subdivisions. The City Jail Fund may be pledged as security for the payment of bonds issued for the construction of city jails, city correctional institutions and city detention facilities. Fees may be used for personnel, operations, and repairs, in addition to the general fund.



AUTHORIZE LOCAL SALES TAXES IN INCREMENTS OF 1%

Department: City Council

Summary:Currently, State law requires sales taxes to be implemented in increments of 1%. The proposal is to amend the law to allow local governments to levy sales taxes in increments of 1/10 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.



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.



ATLANTA STREETCAR

Department: Atlanta Streetcar Project / Department of Public Works

Contact: Yolanda Favors

Summary: The Atlanta Streetcar Project (“Project” or “Atlanta Streetcar”) is comprised of a 2.7-mile closed Streetcar, linking the Martin Luther King, Jr. National Historic Site on the east side of Downtown Atlanta to Centennial Olympic Park on the west side. Forecast to service 2,600 boardings per weekday. The system will run with vehicular traffic along this route.

As the system will run with vehicular traffic through the streets of downtown Atlanta, it is imperative that the operators or drivers of the vehicles be liable under the traffic laws of the state of Georgia (including, but not limited to, Title 40 of the Official Code of Georgia).

Requested Change to Current Law

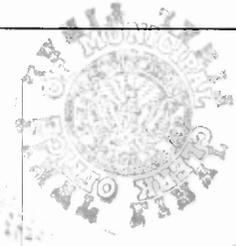
O.C.G.A. 40-1-1(75) specifically states as follows:

"Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, **excepting devices used exclusively upon stationary rails or tracks.**

While the Streetcar will run with vehicular traffic, the vehicles will run exclusively upon stationary rails or tracks. The exception in O.C.G.A. 40-1-1(75) prevents law enforcement officials from being able to hold the driver of Streetcar vehicles criminally liability for traffic violations. The City has found no other provision in the Official Code of Georgia (“Code”) which confers such liability upon the Streetcar vehicle drivers.

Deletion of the clause “excepting devices used exclusively upon stationary rails or tracks” would allow law enforcement to issue citations and take other necessary legal criminal actions against Streetcar vehicles drivers that violate the traffic laws of the state of Georgia

Expenses/Fiscal Estimate None



ALL-TERRAIN VEHICLES

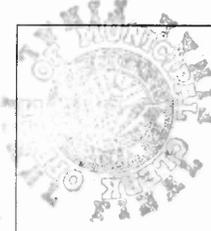
Department: City Council

Summary: The City of Atlanta and other major cities are experiencing a proliferation of all-terrain vehicles (ATVs) in neighborhoods and parks. Residents are seeking solutions to stop this unwanted form of recreation on their neighborhood streets and parks. These vehicles are able to traverse almost any terrain and local police are handicapped by their pursuit policies and are not able to effectively curtail crime when these types of vehicles are used to perpetrate them.

Requested Change to Current Law: Georgia state law, O.C.G.A. §40-6-331, gives local governing bodies limited authority to designate who, how and where ATVs can be operated safely. The proposed amendment to state law would give local governments the authority to restrict the operation of all-terrain vehicles (ATVs) on local streets in Georgia.

Expenses/Fiscal Estimate None

Additional Information – The U.S. Consumer Product and Safety Commission reports approximately 135,000 injuries and 800 deaths occur in the U. S. each year from ATV accidents, and recommends that ATVs not be driven on paved roads. ATVs are designed to operate on soft ground, not hard pavement/asphalt, and are hard to control on these surfaces.



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.



ALCOHOL SALES IN SECURED AREAS OF AIRPORTS

Department: Aviation

Contact: Roosevelt Council

Summary – Allow licensed and permitted concessionaires operating beyond the TSA security checkpoint area of the Airport (“Secure Area”) to sell alcoholic beverages to the traveling public for on-premises consumption during hours that are currently not allowed pursuant to state law. Extended hours would address a common complaint from visitors to the area who cite their ability to consume alcoholic beverages in other first-rate, world class airports.

Requested Change to Current Law – Currently, concessionaires are allowed to sell alcoholic beverages Monday through Saturday from 9:30 a.m. until 2:30 a.m. and on Sunday from 12:30 p.m. until 11:30 p.m. This proposal is to amend state law to allow the sale of alcoholic beverages during extended hours in the Secure Area of the Airport. Specifically, allow the sale of alcoholic beverages in the Secure Area Monday through Saturday from 5:00 a.m. on one day until 3:00 a.m. of the following day and on Sunday from 5:00 a.m. until midnight. These sale hours are more in-line with activity that currently takes place in other world-class international airport facilities.

Expenses/Fiscal Estimate—An estimated increase in food and beverage sales by up to 2%, which is approximately \$1 million in additional revenue.

Additional Information –International passengers connecting through or departing from Hartsfield-Jackson, who are generally coming from different time zones, would be able to consume alcoholic beverages according to their individual “body-clocks” which, due to having traveled very long distances to get here, may not be set to Eastern Standard Time.

The extension would allow concessionaires to open their facilities earlier, creating an opportunity for them to hire approximately 25 to 50 more food and beverage workers at the airport.



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

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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

RCS# 3178
12/02/13
3:26 PM

Atlanta City Council

CONSENT I

CONSENT AGENDA SECTION I:EXCEPT
13-O-1333,1334,1264,1395,13-R-3783,3785
ADOPT

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

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

CONSENT I

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ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	12-02-13 ITEMS ADVERSED ON CONSENT
1. 13-O-1100	41. 13-R-3792	79. 13-R-3806
2. 13-O-1398	42. 13-R-3850	80. 13-R-3807
3. 13-O-1386	43. 13-R-3851	81. 13-R-3808
4. 13-O-1387	44. 13-R-3852	82. 13-R-3809
5. 13-O-1400	45. 13-R-3853	83. 13-R-3810
6. 13-O-1401	46. 13-R-3854	84. 13-R-3811
7. 13-O-1402	47. 13-R-3855	85. 13-R-3812
8. 13-O-1403	48. 13-R-3856	86. 13-R-3813
9. 13-O-1404	49. 13-R-3857	87. 13-R-3814
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13. 13-O-1408	53. 13-R-3786	91. 13-R-3818
14. 13-O-1411	54. 13-R-3846	92. 13-R-3819
15. 13-O-1412	55. 13-R-3849	93. 13-R-3820
16. 13-O-1413	56. 13-R-3871	94. 13-R-3821
17. 13-O-1415	57. 13-R-3872	95. 13-R-3822
18. 13-O-1389	58. 13-R-3795	96. 13-R-3823
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22. 13-O-1397	62. 13-R-3875	100. 13-R-3827
23. 13-O-1388	63. 13-R-3876	101. 13-R-3828
24. 13-O-1356	64. 13-R-3877	102. 13-R-3829
25. 13-O-1393	65. 13-R-3878	103. 13-R-3830
26. 13-O-1210	66. 13-R-3782	104. 13-R-3831
27. 13-O-1262	67. 13-R-3860	105. 13-R-3832
28. 13-O-1325	68. 13-R-3777	106. 13-R-3833
29. 13-O-1326	69. 13-R-3779	107. 13-R-3834
30. 13-R-3794	70. 13-R-3797	108. 13-R-3835
31. 13-R-3861	71. 13-R-3798	109. 13-R-3836
32. 13-R-3862	72. 13-R-3799	110. 13-R-3837
33. 13-R-3863	73. 13-R-3800	111. 13-R-3838
34. 13-R-3864	74. 13-R-3801	112. 13-R-3839
35. 13-R-3865	ITEMS ADVERSED ON CONSENT	113. 13-R-3840
36. 13-R-3866	75. 13-R-3802	114. 13-R-3841
37. 13-R-3867	76. 13-R-3803	115. 13-R-3842
38. 13-R-3689	77. 13-R-3804	116. 13-R-3843
39. 13-R-3778	78. 13-R-3805	117. 13-R-3844
40. 13-R-3790		118. 13-R-3845