2017

Legislative Policies

GEORGIA MUNICIPAL ASSOCIATION

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Support *Your* Hometown

Legislative Principles

Tools to Build

GMA supports the growth and development of strong and accountable municipalities that serve as vibrant centers of commerce, provide safe hometowns and reflect local values.

Authority to Lead

GMA supports the authority of municipalities to respond to local needs and circumstances as well as cities' role in promoting local leadership and local accountability.

Partnerships to Succeed

GMA supports active and informed municipal government participation in the complex local-state-federal intergovernmental system that is based on trust and accountability.

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GMA Community Development Policy Committee

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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 publically 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. Furthermore, GMA supports examining the economic development opportunities provided by craft brewers and distilleries.

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 Mental Health, Addictive Diseases and Developmental Disabilities

GMA supports funding for a robust system of care for behavioral health, addictive diseases and developmental disabilities. 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. 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. Due to the foreclosure crisis, 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.

FEDERAL ISSUES

1. Municipal Bond Tax Exemption

GMA calls on the federal government not to limit in any way the income tax exemption for municipal bonds.

Explanation: The American Society of Civil Engineers estimates that the nation should spend over $3.6 trillion between 2013 and 2020 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.

3. Census Count for Deployed Soldiers

GMA urges the U.S. Secretary of Commerce to change its existing policy for decennial Census counts to allow all US Army soldiers to be included in the count at their home installation, regardless of deployment status on the date of the Census.

Explanation: Since the Vietnam era, the U.S. Secretary of Commerce has counted deployed Army personnel at their "home of record" rather than at their home installation for Census population counts. Since the 1970's, significant changes have taken place in the U.S. Military – there is no longer a draft and the size of the Army is smaller. Cities and counties that are home to military bases provide services for soldiers and their families, regardless of the deployment status of a soldier at the time of the Census count. It is imperative to the local governments that serve military bases that soldiers be counted at their home base whether or not they are deployed on the date of the decennial Census. Federal and state funds and formulas for economic development, water allocation, transportation, housing, health and human services, education, public safety, and

other critical programs are all based on decennial census data. The rules governing census counts for Navy and Air Force service personnel count those individuals at their home installation and consistent policy should be used for Army soldiers so that the cities and counties with Army installations will have an accurate census count so they will qualify for the resources necessary to continue to provide a high quality of life for soldiers and their families.

GMA Environment and Natural Resources Policy Committee

Policies within this chapter are listed in priority order

POLICY RECOMMENDATIONS

1. 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 regional water planning councils become permanent bodies and existing members, where practical, should be retained to maximize consistency in future planning efforts.

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.

2. 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.

3. Stormwater Utilities

Given the regulatory demands of managing stormwater runoff and nonpoint sourcewater pollution, GMA supports cities' current authority to enact 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.

4. 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.

5. 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.

6. 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.

7. Recreation and Conservation Funding

GMA supports the creation of a stable source of grant and loan funding to assist local governments in open space protection, acquisition and renovation, purchasing adequate buffers to protect water quality, the development of park areas and recreation facilities, flood control and regional stormwater retention facilities. Additionally, GMA supports adequate funding of the Georgia Recreation Assistance Grant Program and the implementation of the State Comprehensive Outdoor Recreation Program (SCORP) as administered by the Georgia Department of Natural Resources. 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.

8. Regional Recycling

GMA supports 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 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. We must work toward a greener Georgia with our various partners, such as Keep Georgia Beautiful, through a statewide recycling strategy.

9. Streamlined Environmental Funding

GMA supports the State of Georgia developing a strategic plan for creating a streamlined process for funding environmental assets and eliminating barriers to accessing these funds.

Explanation: Currently, there are many different sources of funding for environmental assets, some of which overlap. GMA recommends that the State develop a streamlined process for funding so that environmental assets are adequately funded while not being burdensome and duplicative.

FEDERAL ISSUES

1. Storage for Water Supply at Federal Reservoirs

GMA supports an update of the river basin water control plans and manuals by the US Army Corps of Engineers which safeguards current and future authority to use its reservoirs to provide municipal and industrial water supply.

Explanation: The U.S. Army Corps of Engineers updated the Master Manual for the Alabama-Coosa-Tallapoosa River Basin in 2014, but in doing so it failed to reallocate storage for municipal and industrial water supply or otherwise address longstanding water supply needs. The Cobb County-Marietta Water Authority first requested additional storage in Allatoona Lake in 1981; the Corps has never acted on that request.

The Corps is also working on a new master manual for the Apalachicola-Chattahoochee-Flint River Basin, which is expected to be released in 2017. The manual will include water supply contracts for counties and municipalities in North Georgia that rely on Lake Lanier and the Chattahoochee River for water supply.

GMA opposes any limitation, legislative or otherwise, on the Corps' existing water supply authority. Federal water infrastructure should continue to be available to meet municipal water supply needs when this is the highest and best use of the resources. Water is a scarce resource and caring for this resource takes collaboration and planning.

2. 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 since 1966 provided over $83 million in grant funds 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 protecting 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.

2. Protection of Funds to Support Local Government Environmental Needs

GMA supports protecting the assets of the Georgia Environmental Finance Authority, 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.

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 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

GMA is supportive of the Service Delivery Strategy Act and most of the provisions included in that statute. However, GMA recognizes that problems exist with the implementation of the law. GMA supports a stronger enforcement mechanism to ensure adherence to service delivery agreements. GMA further encourages changes to the statute that would enable local governments to avoid duplication and protect the taxpayer from unfair taxation. City residents should not be taxed by a county for services not received. GMA encourages the active involvement of every city in any applicable service delivery agreement. Cities and counties should be required to take Local Option Sales Tax distribution into consideration when negotiating SDS. 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 sanctions.

Explanation: GMA believes that each municipality should have access to the dispute resolution process regardless of the size of the municipality. GMA contends that even though efforts have been made to remove county level constitutional officers from SDS planning, tax funds supporting those positions are still negotiable between municipalities and the county in an effort to reach tax equity. GMA contends that eliminating the Service Delivery Strategy Act would negatively impact municipalities if done without considering other related legislative actions that have been enacted since SDS was created. 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. Sovereign Immunity

When a city works with the state or a county to provide services or facilities, the city should have the same sovereign immunity as the county or state, whichever is greater.

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 treasuries to tort liability must be limited. Municipalities deserve the protection offered by county sovereign immunity or the State 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 right of way by any private 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.

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 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. In some instances, consolidation of municipal and county governments may be the most efficient manner to provide services to citizens. GMA opposes attempts to consolidate municipal and county operations without consultation and consent of municipal elected officials and the same timeframes and limitations that are imposed for the creation of a new city should apply to legislation for consolidation.

Explanation: GMA seeks to ensure that discussions about consolidation are deliberate and include the affected municipal elected officials.

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 and should not interfere with the natural growth or operation of existing 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.

Finally, care should be taken to ensure that new incorporations do not harm existing municipalities. 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 duplication of service.

10. Immigration

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

Explanation: Recent legislation has placed unnecessary mandates and burdensome administrative work upon city employees. The state 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.

FEDERAL ISSUES

1. Local Control of Land Use

GMA supports a balanced approach to telecommunications policy that allows new technologies to flourish while preserving traditional local regulatory authority.

Explanation: Federal policies should not undermine the ability of municipal officials to protect the health, safety and welfare of their residents by diminishing local authority to manage public rights-of-way, to zone, to collect just and fair compensation for the use of public assets. The Federal Government must not preempt or restrict zoning authority and other local land use laws or requirements applied in a non-discriminatory and timely manner that regulate the location,

placement, size, appearance, screening or siting of transmission and receiving facilities and any other communications facilities such as satellite dishes, radio towers, broadcast facilities, microwave facilities, equipment housing and similar facilities. Disputes over local zoning and land use matters must be adjudicated by the state courts and not the FCC.

GMA Public Safety Policy Committee

Policies within this chapter are listed in priority order

POLICY RECOMMENDATIONS

1. Public Safety Collective Bargaining and Mandated Pay and Benefits

GMA strongly opposes legislation establishing collective bargaining for local government employees, placing costly restrictions and requirements on the relationship between municipalities and municipal employees or mandating pay and 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 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.

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 opposes attempts towards decriminalization of misdemeanor offenses, including traffic offenses, unless such legislation does not threaten to compromise public safety and remains revenue neutral to the operations of municipal court and municipal government.

Explanation: In 2011, the Special Council on Criminal Justice Reform issued its report detailing a large array of ideas for updating Georgia's criminal justice system. One proposed idea was to reclassify and decriminalize minor traffic offenses under three points. Numerous other states have reclassified and decriminalized minor traffic offenses and many of those states have encountered unintended consequences. In order to ensure the payment of imposed fines many states have gone from the 'stick' of potential jail time to the loss of license or motor vehicle registration. Such actions may threaten public safety by causing more drivers to be on the roads without proper licensing, registration, and potentially insurance.

Additionally, 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 in 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. Firearms on Public Property

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. Fireworks, Fees and Taxation

GMA believes fireworks present unique public safety, health, and welfare challenges. GMA supports local control over the sale, place of use, zoning, use and regulation of fireworks by local ordinance. GMA also supports changes to the current law to allow local governments to be the final authority to determine whether fireworks may be sold or detonated in the jurisdiction and take such actions as are necessary for the health, safety and welfare of its property and residents. GMA further supports the ability of cities to impose an additional fee or tax upon the retail sales of fireworks within the jurisdiction for municipal public safety purposes.

Explanation: Given the public safety implications in the use of fireworks, local governments should have wide authority over zoning and regulation of their sales and use of fireworks. Additionally, a local option sales tax or supplementary fee should be permitted to be placed upon the retail sales of such fireworks for the use of local public safety budgets.

10. 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.

11. Volunteer Firefighter Incentives

GMA supports incentivizing the recruitment and retention of volunteer firefighters with a state income tax credit 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.

12. Traffic Camera and Digital Enforcement Technology

GMA supports legislation that would authorize 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.

13. Juvenile Justice Reform

In the interest of the public health, safety, and welfare of municipal citizens, GMA supports juvenile justice reform which promotes and teaches 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; 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.

14. Human Trafficking

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 potential dangerous lifestyles, encouraging students to receive a formal education, keeping potential criminal elements at bay, and protecting the freedoms of all persons.

15. Drug Abuse

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.

Explanation: Drug abuse is an epidemic that affects cities of all sizes and socio-economic statuses. The state has, in recent years, taken a lead in attempting to combat the growing drug war through methods such as community based treatment and accountability courts. However, cities need additional resources to provide local services to combat and prevent drug abuse from growing into an even larger problem.

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. Of pressing need for immediate reform is the motor vehicle Title Ad Valorem Tax Fee (TAVT) state and local percentage share. 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 a constitutional amendment 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 for businesses located in each municipality and the aggregate amount of sales tax generated by industry for 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 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. Municipal Option Sales Tax (MOST)

GMA supports legislation allowing each municipality to hold a referendum to enact a permanent municipal option sales tax (MOST) that would be used for property tax relief, infrastructure improvements, the provision of municipal services or any combination thereof.

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. This proposal would allow municipal voters to decide how to pay for services and prepare for the future while providing an alternative to property tax. The Department of Revenue should be provided the proper resources to administer the distribution of funds and collections data at the municipal level.

3. Homestead Option Sales Tax

GMA supports legislation requiring a Municipal Option Sales Tax referendum in any county which imposes the Homestead Option Sales Tax (HOST).

Explanation: In most parts of the state the majority of sales tax is generated inside of the city limits. However, cities located inside a county that levies a Homestead Option Sales Tax (HOST) do not receive sales tax revenue to roll back property taxes. Therefore, cities must rely heavily on property taxes to fund the majority of its services. In order to level the playing field, the option for a city to levy a MOST should be required in any county where a HOST is imposed.

4. 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.

5. National E-Commerce Legislation

GMA urges Congress to take action to authorize all state and local governments to collect sales taxes on remote sales (online and catalog sales), which will level the playing field between local brick and mortar businesses and online retailers.

Explanation: Georgia is one of twenty-nine states with "use tax" laws, meaning that when consumers make an online purchase, they are required to pay sales taxes on that item. However, most consumers are either not aware of this requirement, or they ignore it and the tax is not paid. In Georgia, the uncollected state and local sales and use taxes from all remote sales (catalog and online purchases) in 2012 was estimated at $837 million. Action by Congress to pass an e-commerce bill would correct this tax avoidance problem by requiring all consumers to pay sales taxes for online and catalog sales. Until this loophole is closed, local brick and mortar businesses are operating at a competitive disadvantage to online retailers. In addition to leveling the playing field for hometown businesses, the ability for cities to collect taxes on remote sales will also benefit local taxpayers. The ongoing loss of sales tax revenues could require an increase in other tax rates, primarily the property tax, or continued decreases in services.

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. In the event the General Assembly creates a property tax exemption, the State should fully reimburse local governments for the revenue loss.

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 Governed by State Law

GMA supports the use of municipal franchise fees for an electric, gas or telecommunications utility to compensate the municipality and citizens for use of the municipal right-of-way.

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

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.

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 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 remove the cap on local taxing authority that exists in the Transportation Funding Act of 2015, and to allow for periodic adjustments to the average retail price on which the local sales taxes are based.

Explanation: As currently written, the Transportation Funding Act of 2015 includes a $3 cap on the amount that local governments and schools can levy sales taxes on motor fuels. In contrast, state excise taxes on motor fuels will be 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 Transit Service in Georgia

GMA supports the operation of commuter passenger rail service and encourages the accelerated development and implementation of the entire Georgia Rail Passenger Program. Finally, GMA believes that in order to address the long-term funding needs for transit across the state, it is critical that funding for Georgia rail come from statewide sources. To facilitate

implementation of the state's rail program, Georgia's governor should make appointments to and revive the Georgia Rail Passenger Authority. Additionally, state leaders should consider joining the Southern Rail Commission, an interstate rail compact currently comprising the states of Louisiana, Mississippi and Alabama, to advocate for and obtain federal funds for passenger rail service in the Southeast region.

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: Funding Source

GMA supports the creation of a funding source for public airports and urges the legislature to earmark the sales tax on aviation fuels, goods and services as a means of providing revenue for development of public airports. GMA also pledges to work with potential partners such as the Georgia Airports Association to accomplish this goal.

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. The 2003 Georgia Statewide Aviation System Plan identified the state's air carrier and general aviation airport needs over the next 20 years and highlighted two primary concerns:

(1) Developing Georgia's airports to accommodate the needs of today's operating business aviation fleet; and

(2) Maintaining and preserving badly aging facilities.

Over the next 20 years, the Statewide Aviation System Plan identified $2 billion in airport improvements needed for Georgia's airports. There is currently no sustainable source of funding identified to meet these needs. If the sales tax on aviation fuels, goods and services was earmarked for public airports, it would serve as a stable funding source to help meet these needs. GMA pledges to work in partnership with commercial airlines and other stakeholders to educate them about the importance of funding for regional airports. The enhancement of the statewide aviation network is crucial to economic development in Georgia.

5. Foster an Improved Relationship between GDOT and Georgia's Municipalities.

GMA supports the creation of a stronger relationship between GDOT and municipalities that fosters better 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: Across the state, municipal officials have expressed increasing and often overwhelming frustration with a lack of responsiveness from DOT, which has resulted in an inability to get decisions made about local transportation and traffic problems. Municipal officials complain that DOT is slow and inefficient in completing local transportation projects, with projects getting bogged down in permitting and review and often causing delays of many years, with accompanying increased costs to complete projects. Delays are impacting public-private investment in downtowns and economic development in municipalities, which ultimately provides benefits for the state as a whole. Furthermore, GMA urges DOT to work in partnership with local government officials to come up with a streamlined process and timeline that allows city officials to get status reports and updates at every step in the implementation of transportation projects, 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 centerline road mileage submitted by each local government. At a minimum, the current formula should adhere to state law and replace the word "centerline" with the word "lane" to reflect road capacity. 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. Transit Governance

GMA supports the concept of allowing for the creation of regional transit systems among local governments which see the need to use transit as a mobility tool to further their economic development vitality and quality of life. GMA supports legislation authorizing a transit governance mechanism that will maximize the

efficient delivery of transit services throughout the regions of the state as determined regionally by various local governments.

Explanation: Transit expansion and development has consistently emerged as a regional transportation priority, most notably in the Atlanta metro area, but regions throughout the state are also considering transit components and projects. A locally developed and managed regional transit governance mechanism could create a framework through which communities that currently operate transit systems and those that may desire to do so in the future could coordinate their services, set common priorities and seek new funding.

9. 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.

BUDGET RECOMMENDATIONS

1. State Transportation Funding Levels

GMA supports continued and sustained state funding levels for the Local Maintenance and Improvement Grant program.

Explanation: Increased and sustainable levels of funding for the LMIG program are essential to the economic vitality of local communities throughout Georgia, which are dependent upon a comprehensive, well-constructed, and adequately maintained state and local transportation network.

FEDERAL POLICY

1. Protect Regional Airports

GMA supports federal policies oriented to the viable, safe operation of airports and which recognize and support regional airports as a major tool for economic development across Georgia.

Explanation: As federal funding for all state and local programs decline, Georgia's regional airports have experienced diminishing financial support combined with increased federal regulation. While municipal leaders understand the financial pressures associated with adopting a federal budget and addressing the federal deficit, it is imperative that federal policies do not hinder the ability of regional airports to determine the safest and best way to meet the needs of today's business aviation fleets and to manage aircraft ingress and egress. The ability of local, experienced airport managers to have flexibility in the operation of regional airports will allow these resources to continue to be vital economic resources to the Georgia and the communities they serve.