

FULTON COUNTY

Legislative Package

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GEORGIA GENERAL ASSEMBLY

Fulton County
Board of Commissioners

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2014 STATE LEGISLATIVE PACKAGE GEORGIA GENERAL ASSEMBLY



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LOCAL LEGISLATION

HOMESTEAD EXEMPTION INCREASE (HB 541)

Issue: Legislation has been proposed (HB 541) to double Fulton County's homestead exemption to \$60,000 in valuation over three years.

Discussion: Fulton County's homestead exemption is already \$30,000 of assessed value, three times that of Cobb, DeKalb, or Gwinnett Counties. HB 541 would increase that exemption to \$60,000 by 2017, and cost the County over \$40 million annually. This would erode the tax base; shift the property tax burden onto businesses, multi-family dwellings, and other non-homestead properties; and handicap Fulton County's ability to offer quality-of-life services that make it attractive to businesses and investment. HB 541 passed the House of Representatives in 2013, and must pass the Senate with a two-thirds (38 votes) affirmative vote.

Request: Fulton County urges the Fulton County Senate Delegation and the Georgia General Assembly to oppose HB 541 or any increase in Fulton County's homestead exemption.

FULTON COUNTY JAIL

Issue: County's authority to manage the expense of housing prisoners and prevent overcrowding.

Discussion: The Fulton County Jail is required by a federal consent decree to house a maximum of 2,500 persons at any time, yet remains persistently overcrowded. Temporary outsourcing of prisoners to other county and municipal jails has only proven to be complex, costly, and insufficient to relieve overcrowding. The division of constitutional roles between the Board of Commissioners and the Fulton County Sheriff makes it difficult to craft a permanent solution. The Board of Commissioners would like authority to develop an overcrowding relief plan including outsourcing or privatization as necessary, and the authority to administratively implement the plan.

Request: Fulton County requests the Fulton County delegation support legislation giving the Board of Commissioners authority to develop an overcrowding relief plan including outsourcing or privatization as necessary, and the authority to administratively implement the plan.

MILLAGE RATE SUPERMAJORITY REPEAL

Issue: Under HB 604, any millage rate increase after January 1, 2015 must be enacted by five (5) affirmative votes of the Board of Commissioners.

Discussion: Enacted in 2013, HB 604 requires an affirmative vote of a supermajority - five (5) member of the Board of Commissioners - to raise the millage rate above the revenue neutral roll-back rate. This treats Fulton County differently from all other counties in Georgia. The decision to tax should occur at the same level of government where the decision is made to enact a new

service or enhance an existing service. To require a simple majority to raise or lower expenditures without allowing for the same majority to raise revenues as necessary may cause significant disruptions in County services. The Fulton County Board of Commissioners has enacted a repeal of HB 604 under its home rule authority; however, to provide clarity in the law, the Board of Commissioners would request the supermajority requirement be repealed.

Request: Fulton County requests the Fulton County Legislative Delegation to repeal the supermajority requirement of five (5) affirmative votes of the Board of Commissioners to raise the millage rate, and restore the requirement of a simple majority of the Board.

FULTON COUNTY BUDGET ACT REPEAL

Issue: The Fulton County Board of Commissioners' budget process is governed by a 1953 population bill, and requires unique procedures for Fulton County, different from any other county in the State of Georgia.

Discussion: Early in the 2012 Session of the General Assembly the Fulton County Commission asked that State law be amended to allow Fulton County to be able to change its fiscal year from a calendar year to another fiscal year period. Several legislative proposals were put forward in the process but were ultimately unsuccessful. The 1953 law is antiquated as the Official Code of Georgia Title 36 Chapter 81 provides for the establishment of local government budgets and audits, and is compliant with all Generally Accepted Accounting Principles (GAAP). Rather than be concerned with how to reenact certain elements specific only to Fulton County, it would be beneficial if Fulton County's budget procedures were the same as every other county in Georgia.

Request: This session we will ask the Fulton County Legislative Delegation to support legislation to repeal the Fulton Budget Act in its entirety, and let Fulton County be uniform with the budget provisions that affect all counties.

REPEAL OF POPULATION ACTS AND LOCAL CONSTITUTIONAL AMENDMENTS

Issue: Fulton County is subject to over 107 population acts and over 45 local constitutional amendments which require Fulton County to have different constraints and procedures from general law.

Discussion: Population acts and local constitutional amendments were mechanisms in Georgia which allowed for the General Assembly to change general law for specific counties and municipalities. New population acts and local constitutional amendments have since been prohibited by the 1983 Georgia Constitution, but existing acts and amendments remain in effect unless repealed. While some may have beneficial purposes for the County, many have simply not been reviewed in many years, have been superseded by or implemented into general law, or potentially overlooked. Population acts may only be amended to update the population numbers after a decennial census, and several population acts affect unintended counties and cities every

ten years. It is a major objective of the House Intragovernmental Coordination Committee to review and repeal as many population acts and local constitutional amendments as possible.

Request: Fulton County requests the Fulton County Legislative Delegation to appoint a subcommittee to work with Fulton County staff to identify and repeal outdated and antiquated population acts and local constitutional amendments, allowing Fulton County to have as much uniformity with other counties as possible.

LOCAL SMALL BUSINESS ENTERPRISE PROGRAM (LBSE)

Issue: Currently, Fulton County is required to award contracts solicited under Invitations to Bid (ITB) to the lowest responsible bidder without consideration of domicile or principal place of business of the bidder. The County would like to consider domicile or principal place of business when awarding contracts through the ITB by creating a Local Small Business Enterprise Program (LBSE).

Discussion: Following passage to the most recent amendment to Ga. Laws 1941 p. 408 (the ITB Law), the County is forbidden from awarding an ITB contract to anyone other than the lowest responsible bidder. This requirement does not apply to contracts awarded following a request for proposal (RFP), and often results in County ITB contracts being awarded to out-of-county bidders over equally qualified County bidders. The ITB Law only applies to Fulton County, and both the City of Atlanta and DeKalb County have adopted LBSEs for their prospective ITB process.

Request: Fulton County requests that members of the Fulton County Legislative Delegation vote for the revision of the ITB Law to specifically allow the County to undertake an LBSE and consider local preference in ITB contract awards to the same extent currently allowed in RFP contract awards.

DEANNEXATION

Issue: When the General Assembly revised annexation statutes several years ago, they failed to update procedures for deannexation.

Discussion: During the 2007-2008 Session, the General Assembly passed legislation changing the annexation procedures and providing a set method for a county to object to such move. This legislation did not provide for deannexation procedures. This provides a clear disparity in the procedures for annexation vs. deannexation, and it is functionally impossible for dissatisfied landowners to request deannexation from a municipality.

Request: Fulton County requests that the Fulton County Delegation support legislation providing for a deannexation process substantially similar to those available to landowners wishing to annex into a municipality.

GENERAL LEGISLATION

PRESERVATION OF FULTON COUNTY

Issue: Six (6) Resolutions allowing for the recreation of Milton County have been introduced during the 2013-2014 Legislative Session.

Discussion: For the past several years, legislators have pursued initiatives to change both the structure and governance of Fulton County. The proposed constitutional amendment would allow North Fulton County to secede and recreate Milton County. The negative ramifications for Fulton County, MARTA, and Grady Memorial Hospital would be staggering, and if such an effort were successful, it would result in substantial tax increases on those citizens who would continue to reside in Fulton County.

Request: Fulton County requests that the members of the Fulton County Legislative Delegation aggressively oppose legislative proposals to divide Fulton County under any circumstances.

MEDICAID EXPANSION

Issue: Under the Affordable Care Act, Medicaid expansion was intended to provide half of the increased coverage to the uninsured. However, the ruling of the Supreme Court making Medicaid expansion optional and the decision by the Governor not to expand Medicaid has left over 400,000 of low-income Georgians without access to health insurance, including up to 74,000 residing in Fulton County.

Expanding Medicaid will:

- Provide health insurance to the 52% of uninsured, low-income Georgians.
- Improve preventative care, health outcomes, and save lives.
- Reduce the financial burden on safety-net hospitals such as Grady Memorial Hospital, mental health programs, HIV/AIDS programs, and state and county indigent care funding.
- Provide up to \$33 billion in federal funding to Georgia over the next 10 years.

Request: Fulton County requests that the members of the Fulton County Legislative Delegation, General Assembly, and the Governor of the State of Georgia take action to expand Medicaid.

DISPROPORTIONATE SHARE HOSPITAL (DSH) PROGRAM

Issue: Funding for Grady Memorial Hospital under the Disproportionate Share Hospital (DSH) Program is expected to fall by \$45 million (50%) by 2018.

Discussion: The Disproportionate Share Hospital (DSH) Program provides federal and state funding through the State of Georgia to hospitals for uninsured and underinsured indigent care. DSH funding is an important lifeline for Grady Memorial Hospital, providing up to \$90 million in funding annually. DSH funding is scheduled to be cut in half over the next 10 years as the

number of uninsured persons decrease with the Affordable Care Act. But without the expansion of Medicaid, Grady stands to lose up to \$45 million annually. DSH funding also needs to be rebalanced at the federal level, to ensure funding is commensurate with the needs of uninsured persons.

Request: Fulton County requests that the General Assembly preserves as much Disproportionate Share Hospital (DSH) funding as possible for Grady through legislative and regulatory actions, and maintain and increase funding of Grady priorities in the state budget.

AFFORDABLE CARE ACT IMPLEMENTATION

Issue: Legislation has been proposed (HB 707) that will prohibit the County from supporting the implementation of the Affordable Care Act.

Discussion: On August 21, 2013, the Board of Commissioners adopted a resolution to support the full implementation of the Affordable Care Act (ACA), citing that “once more Americans have affordable, quality health insurance coverage, preventative healthcare will be more accessible and lead to healthier communities.” To support the ACA, Fulton County has held over 25 informational meetings to provide educational literature and assistance to those persons seeking information and assistance about the Health Insurance Market Place and the Affordable Care Act. As informational centers of the community, our libraries are prepared to respond to questions regarding the Marketplace and provide Fulton County residents with assistance. As of November, Fulton County and our partners have provided information to over 6,200 citizens seeking assistance.

However, HB 707 would prohibit the State of Georgia, counties, cities, or any other political subdivision from assisting with the implementation of the Affordable Care Act. Fulton County would be prohibited from holding any informational meetings for the public, helping citizens with questions, or coordinating with the Federal Government and other non-profit organizations. Such prohibition would be enforceable through fines, sanctions, and the Attorney General could seek to enjoin the County from providing additional information and assistance. The ACA would still remain the law, and Fulton County residents would still be subject to its requirements. But the proposed legislation would violate Fulton County’s right of local control, and would simply prevent Fulton County residents from seeking information and assistance from local community resources.

Request: Fulton County requests the General Assembly oppose HB 707 and any legislation that would interfere with the full implementation of the Affordable Care Act.

MARTA ACT REVISIONS

Issue: The MARTA ACT has not been revised in many years, and is in need of adjustments to address several problems.

Discussion: MARTA is once again subject to the 50/50 split, requiring MARTA to spend half of its income on capital expenditures, without any flexibility for operating expenditures.

Additionally, legislation has been proposed (both HB 264 and SB 155) which would alter the Board of Commissioners' authority to appoint members to the MARTA Board of Directors on behalf of all of Fulton County. Current law already obliges Fulton County to appoint two (2) members of the MARTA Board from north of the City of Atlanta, and one (1) member from south of Atlanta. The proposed legislation would strip the Board of Commissioners of their authority to appoint the north members, giving that authority to a caucus of Mayors of the North Fulton cities. A caucus of Mayors of the South Fulton cities, district Commissioners in South Fulton, and the Chairman would appoint the south member of the MARTA Board. Disproportionately, neither the district Commissioners from North Fulton nor the Chairman would be involved in appointing any MARTA Board members from North Fulton.

Request: Fulton County requests that the Fulton County Legislative Delegation supports legislation that strengthens the economic and operational viability of MARTA, including permanent removal of the 50/50 split, and which allows MARTA to continue to meet the critical transportation needs of the metro Atlanta area. Fulton County also requests that the Fulton County Legislative Delegation opposes legislation to change the current structure of the MARTA Board by changing Fulton County's appointive powers and the appointment process.

SECURITY OF COUNTY FACILITIES - OMNIBUS GUN LEGISLATION

Issue: Legislation proposed to permit licensed concealed carry of weapons in additional public spaces would increase security costs for Fulton County.

Discussion: In the 2013 Session, two bills (HB 512 and SB 101) were introduced to allow concealed guns to be carried in multiple public facilities and spaces, including all government buildings if entrance to the building is not restricted or screened by security during business hours. This would require Fulton County to hire security guards to screen entrance at 32 of its 34 public libraries, 4 Senior Multipurpose Centers, and 7 of 8 Health Clinics, among other Fulton County facilities.

Request: Fulton County requests that the Fulton County Legislative Delegation oppose legislation that prevents county government from making its own decision regarding the security and presence of dangerous firearms within its facilities.

GUARDIAN AD LITEM AUTHORITY AND FUNDING

Issue: Juvenile Justice Reform requires appointment of a guardian ad litem to look out for the best interests of a child during Juvenile Court procedures, which should be in addition to attorneys appointed by the Office of Child Attorney.

Discussion: The Juvenile Justice Reform enacted in 2013 requires a guardian ad litem to be appointed for dependent children, delinquent children, and children in need of services. The guardian ad litem and their attorney may be one and the same. However, under the terms of the *Kenny A. Consent Decree*, Fulton County's Office of Child Attorney is directed to "establish an attorney-client relationship and maintain that relationship throughout the duration of the

representation and shall provide legal representation through the client-directed model of representation.”

Maintaining this separation between attorneys and guardian ad litem will require additional costs on the County. The Office of Child Attorney coordinates with the Fulton County Court Appointed Special Advocates (CASA) – a volunteer non-profit organization that provides representation for children in addition their appointed attorneys. The Juvenile Justice Reform recommends appointment of a CASA as guardian ad litem wherever possible.

Request: Fulton County requests that the Fulton County Legislative Delegation support legislation to clarify the unique requirements on Fulton County to separate attorney-client and guardian ad litem functions. Fulton County also requests the General Assembly provide additional funding for the recruitment and training of CASAs to serve as guardian ad litem.