

Name and/or Organization	Incorporation Recommendations	Annexation & De-annexation Recommendations
<b>Todd Edwards, Association County Commissioners of Georgia (ACCG)</b>	<ul style="list-style-type: none"> <li>• <u>Proximity</u>: The General Assembly should reinstate the “3-mile” provision in state law to help avoid annexation and incorporation disputes between and among cities during the incorporation process. If not, make it just as easy to form a new city within an existing city as it is to form a new city in the unincorporated area so that people have the right to self-determination and government closer and more responsive to them.</li> <li>• <u>Contiguity &amp; Compactness</u>: If 3-mile rule is not reinstated, the statute should be changed to prohibit the creation of any unincorporated islands within the boundaries of new cities.</li> <li>• <u>Utilizing Topography &amp; Terrain for Boundaries</u>: Utilizing topography and terrain for boundaries may help prevent the new cities from cherry-picking only profitable areas and the creation of illogical service delivery boundaries. This will also help legislators from having to referee city vs. city bouts for profitable areas.</li> <li>• <u>Impact on County &amp; Other Cities</u>: The feasibility study should look at not only whether a new city is feasible based on the revenue it will receive but also examine the near term and long term fiscal impact on the county, unincorporated residents and other cities. The study should take into consideration the lost revenue to the county, what fees and revenues are gained by the new city, and whether or not the city’s new-found revenue is commensurable to the services that the new municipality will provide.</li> <li>• <u>Cost of Services</u>: Proponents representing the new city, via the fiscal impact study, should prepare a preliminary service delivery agreement prior to legislators voting on the new incorporation. This is the only way to know what city services are feasible as well as what impact the creation of a new city will have on existing service delivery areas, agreements and investments.</li> <li>• <u>Long-range planning</u>: This should be part of the</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Certified Letters</u>: ACCG supports sending certified letters. Whatever procedures are implemented to notify city officials, property owners or other stakeholders of a proposed de-annexation should apply to the affected parties during the legislative method of annexation as well, including the county where the annexation is to take place. The county should be notified via certified mail of any legislative annexation proposed within the county, at the same time and manner as is being suggested for city officials.</li> <li>• <u>Arbitration</u>: If arbitration isn’t binding, then it’s pointless.</li> <li>• <u>Other</u>: If annexation without a county’s approval is an inherent property right, then so should be de-annexation without the city’s approval. Currently, a property owner cannot de-annex from a city without the city’s permission unless done so through the legislative de-annexation process. There’s no self-determination there. The pertinent statute should be changed to allow for a separate, non-legislative means to de-annex without a city having unilateral veto authority. Again, the same processes, conditions and safeguards used for annexation and de-annexation should mirror each other, through legislative and other means.</li> </ul>

	<p>feasibility impact study and should also study the impact on the county's comprehensive and infrastructure planning in the proposed new-city area. Additionally, the new city proponents should draft and submit a revised service delivery strategy as part of the expanded feasibility impact study.</p> <ul style="list-style-type: none"> <li>• <u>Petitions</u>: Prior to any new incorporation legislation being introduced, and following the establishment of new city boundaries, a Georgia statute should require that at least 35 percent of voters (of those who voted in the last general election) who reside within the proposed boundaries sign a petition in favor of the incorporation. Petition signatures can be verified through a newly-created, state-level, independent board.</li> <li>• <u>Referendum</u>: ACCG believes that statute should be changed to require a referendum to approve a new incorporation take place following the petition and legislative process. As the incorporation of a new city will likely have implications for all citizens of a county, the incorporation of a new city should be dependent on a countywide vote, not just a vote within the proposed corporate boundaries.</li> <li>• <u>Other</u>: <ol style="list-style-type: none"> <li>1. ACCG recommends codifying more of the rules governing the incorporation of new cities. This way there is more certainty and predictability in the process.</li> <li>2. ACCG recommends retaining the current process of requiring local legislation be passed by the General Assembly in order to create a new municipality in Georgia.</li> <li>3. Require that legislation to create a new city be introduced in one year of the General Assembly, then cannot be voted on until the second year. In the interim, the proposed boundaries and services cannot change, and the expanded fiscal impact study can be conducted.</li> <li>4. "City Lite:" ACCG believes that a "city lite", as well as an existing city not appropriately providing the</li> </ol> </li> </ul>	
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	<p>three services required by Georgia statute, creates undue complications on effective and efficient governance. Any notion that a newly-created “city lite” is statutorily limited to only the services it promises during the incorporation process is constitutionally flawed and is intended to mislead the voters into thinking that a city can be limited to only three services and therefore the costs of city services similarly limited. Newly created cities, up front, should be created as full-service cities.</p>	
<p><b>Tom Gehl &amp; Marcia Rubensohn; Georgia Municipal Association (GMA)</b></p>	<ul style="list-style-type: none"> <li>• <u>Proximity</u>: Current law allows a new city to be created that is adjacent to an existing city, with no minimum distance requirement. Any minimum distance requirement would statutorily limit the authority of the General Assembly and citizens who are attempting to create a city. This would prevent them from determining the boundaries for their proposed city which would best serve the needs of the proposed city and its citizens.</li> <li>• <u>Contiguity &amp; Compactness</u>: The current statutory standards for incorporation of a new city are at least 200 persons and an average residential population of at least 200 persons per square mile for the total area. Additionally, at least 60% of the lots proposed for incorporation must be developed for residential, commercial, industrial, institutional, governmental, or recreational purposes. The area must be subdivided into lots and tracts so that a minimum of 60% of the total acreage consists of lots and tracts that are five acres or less in size. These standards are sufficient for incorporation and to further limit the requirements would limit the authority of the General Assembly and affected citizens.</li> <li>• <u>Utilizing Topography &amp; Terrain for Boundaries</u>: While census blocks may be one convenient method to delineate boundaries of a proposed new city, a provision which mandates the use of census block may force the General Assembly to arbitrarily and unnecessarily include or exclude property owners from</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Certified Letters</u>: It is important that affected local governments and citizens are aware of any proposed local legislation.</li> <li>• <u>Legal Notice</u>: Legal notice alone is not sufficient notice of proposed local legislation. The notice requirements should be enhanced to ensure actual notice to an affected local government.</li> <li>• <u>Transfer of Schools</u>: In the context of the 21 cities with independent city school systems, the county and city school boards and the local governing authorities should use their existing authority to enter into intergovernmental agreements to determine attendance zones and distribution of school property.</li> <li>• <u>Arbitration</u>: Since the annexation dispute resolution process was implemented in 2007, only 24 objections to annexation have been filed by counties with the Department of Community Affairs. This represents less than one percent of all annexations in that same timeframe.</li> </ul>

	<p>the proposed new city. For example, when Dunwoody and Brookhaven were created, the General Assembly had the authority to draw boundaries that were responsive to citizens' requests. The General Assembly should not cede this important authority.</p> <ul style="list-style-type: none"> <li>• <u>Impact on County &amp; Other Cities</u>: Current House Rules requiring a fiscal study should be codified to be a component of the process for the creation of a new city. The fiscal study should consider both feasibility of the proposed new city, revenue changes, service and cost reductions for the county and potential impacts on existing cities within a county.</li> <li>• <u>Cost of Services</u>: A fiscal study should be a prerequisite to the creation of a new city and such fiscal study would be an estimate to guide the process for the cost of services. However, local elected officials, working with their citizens, should determine the appropriate cost for providing such services.</li> <li>• <u>Minimum Number of Services</u>: Under current law, a city must provide three services. This model, which requires that at least three services be provided, has worked well since it was implemented in the 1990s. The level of service provided to citizens within each city is going to vary among cities and should be determined by the citizens and local officials in each city.</li> <li>• <u>Petitions</u>: Any petition process should be a separate avenue to incorporation and should not be an additional hurdle within the existing legislative process. The petition threshold should be minimal because the voters for a proposed new city will have an opportunity to vote on the proposed incorporation in a referendum.</li> <li>• <u>Other</u>: Like the incorporation of a new city, any proposed consolidation of a city and county should be a two-year process and should include a fiscal study to measure the impact of the proposed consolidation on both city and county governments and taxpayers.</li> </ul>	
<b>Brian Johnson, Department of</b>	<ul style="list-style-type: none"> <li>• <u>Long-range Planning</u>: Service Delivery Strategy (SDS) - Moving forward we would encourage the General</li> </ul>	<ul style="list-style-type: none"> <li>• <u>Notification</u>: DCA proposes the following simple amendment to O.C.G.A. § 36-36-113(c): "...shall be</li> </ul>

<b>Community Affairs (DCA)</b>	<p>Assembly to follow the model used in the recent consolidation of Macon-Bibb County. Section 23f of HB 1171 from the 2011-2012 session included language that clearly stated, “Within four years of the effective date of this charter, the restructured government shall adopt a service delivery plan.”</p>	<p>delivered to the municipal governing authority <u>and the Department of Community Affairs</u> by certified mail or...”. DCA concedes that it does not believe the burden of notification should ever rest with the city, but should always rest with the party making the objection, the county.</p> <ul style="list-style-type: none"> <li>• <u>Arbitration:</u> <ol style="list-style-type: none"> <li>1. When dealing with volunteer panelists we are at the mercy of their schedules. The statute currently provides 15 calendar days to appoint an arbitration panel from the date the city received the certified objection. This timing has created frequent problems, particularly around the holidays and the summer vacation season. DCA proposes the following amendment to O.C.G.A. § 36-36-114(a): “...Not later than the fifteenth <del>calendar</del> <u>business</u> days following the date the municipal corporation <u>and the Department of Community Affairs</u> received the first objection...”.</li> <li>2. DCA requests proposes the following amendment to O.C.G.A. § 36-36-114(b): “...who are currently employed by a <del>an</del> <u>nonprofit</u> institution of higher learning <u>with a physical presence</u> in this state...”.</li> </ol> </li> </ul>
<b>Dr. Laura Wheeler, Georgia State University’s Andrew Young School of Policy Studies</b>	<ul style="list-style-type: none"> <li>• <u>Impact on County &amp; Other Cities:</u> The process is too political. The process does require enough involvement by interested and affected parties, including neighboring areas, other municipalities, and the remaining unincorporated areas. The process does not require an analysis of the repercussion on the county government, the unincorporated area, or the surrounding municipalities.</li> <li>• <u>Minimum Number of Services:</u> Should the minimum required responsibilities for newly incorporated municipal government be modified? Currently, cities must provide at least three services selected from a predetermined list. Is this still the best policy in all cases?</li> <li>• <u>Long-range Planning:</u> There is no place in the process for a discussion of regional planning or coordination of</li> </ul>	

	<p>services between existing and proposed new or expanded municipalities and/or the county.</p> <ul style="list-style-type: none"> <li>• <u>Other</u>: <ol style="list-style-type: none"> <li>1. Should there be a mechanism by which the tax and economic benefits of a location-specific resource, such as an office complex or shopping mall, is shared with all jurisdictions in the county?</li> <li>2. Should there be other options for unincorporated areas besides incorporation or annexation?</li> </ol> </li> </ul>	
<b>Ted Baggett, University of Georgia's Carl Vinson Institute of Government Studies</b>	<ul style="list-style-type: none"> <li>• <u>Petitions</u>: He like petition minimum standards with a minimum number of signatures. Petitions show community support, and boundaries can be set and feasibility studies done during petition process. He recommends a minimum percentage for petitions, the "first in time" rule, and getting ducks in a row to get it to a reviewing authority.</li> <li>• <u>Referendum</u>: Hopefully, people also get to vote on a referendum.</li> </ul>	
<b>Dr. Alfred Meek, Georgia Tech</b>	<ul style="list-style-type: none"> <li>• <u>Impact on County &amp; Other Cities</u>: Feasibility studies don't show impacts to county, and no one requires or asks for that.</li> <li>• <u>Other</u>: Counties should possibly scale back the number of county employees if not providing as many services.</li> </ul>	
<b>Gina Wright, Legislative and Congressional Reapportionment Office</b>	<ul style="list-style-type: none"> <li>• <u>Other</u>: <ol style="list-style-type: none"> <li>1. The footprint for a new city should be set earlier.</li> <li>2. Perhaps there should be a time limit for legislation concerning municipalization to be re-filed if it fails.</li> <li>3. Reapportionment would like to certify the language, boundaries, etc. for bills on new incorporations.</li> </ol> </li> </ul>	
<b>Sharon Whitmore and Jerolyn Ferrari, Fulton County Government</b>		<ul style="list-style-type: none"> <li>• <u>Transfer of Schools</u>: Fulton County would like the law amended to give school boards a voice in annexation decisions. The law doesn't currently allow school impact as a reason for the county to object so the grounds for objection by a county should be expanded beyond land use/zoning to include that.</li> <li>• <u>Arbitration</u>: <ol style="list-style-type: none"> <li>1. Arbitration is the exclusive remedy, but it shouldn't be.</li> <li>2. Counties need more than 30 days to object,</li> </ol> </li> </ul>

		<p>especially because they need time to look at petitions.</p> <ol style="list-style-type: none"><li>3. An arbitrator should be more powerful like a judge.</li><li>4. The cost of arbitration borne by counties is 75%, but that should be split equitably or at the end assigned based on the outcome, especially due to service delivery reasons.</li></ol> <ul style="list-style-type: none"><li>• <u>Other</u>: Commercial businesses need a voice in the annexation/incorporation process (60% method).</li></ul>
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