02-R-1877

A RESOLUTION BY

COUNCILMEMBER CEASAR C. MITCHELL C.T. Martin

A RESOLUTION TO ADD TO THE CITY'S 2003 LEGISLAIVE PACKAGE A REQUEST THAT THE GEORGIA STATE LEGISLATURE REEVALUATE THE PRESCRIBED USE OF FUNDS BY THE CITY COURT OF ATLANTA GENERATED BY THE COLLECTION OF FINES AS OUTLINED BY THE GEORGIA CONSTITUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia constitution provides that the City Court of Atlanta use funds derived from fines for the operations of the City Court of Atlanta with the remainder going into the City of Atlanta general fund; and

WHEREAS, the Georgia Constitution provides no oversight mechanism for the budgeting process within the City Court of Atlanta; and

WHEREAS, the City Court of Atlanta currently makes no provisions for the cost of public safety personnel utilized in the enforcement of traffic laws within its annual budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1.

That the Georgia State Legislature, during the 2003 Legislative Session, adopt legislation that puts in place an oversight mechanism in regards to the budgeting process of the City Court of Atlanta and ensures that adequate funds are set aside for use for public safety matters.

H-5

Department Submission
For 2003 Legislative Package

Department: City Council

MARTA Study Committee

Summary – Please summarize the intent of this proposal. Explain the background of the current law, as well as the goals of this change. Feel free to attach whatever supporting information you believe is necessary.

This proposal suggests the study of the funding issues related to MARTA and the future of regional transportation. Currently, MARTA is funded almost entirely by sales taxes from the City of Atlanta, Fulton County, and DeKalb County. MARTA has, however, expanded to now service parts of Gwinnett, Cobb, and Clayton Counties, and may expand further in the future. The current funding system is inequitable, and true regional transportation should have true regional funding.

Requested Change – As precisely as possible, please describe the specific legal changes you are proposing. If making an appropriation request, please describe it in sufficient detail. Reference to specific Code sections where relevant is very helpful.

This proposal seeks the formation of a Study Committee by the General Assembly which would include representation from the relevant jurisdictions as well as regional legislators.

Expenses/Fiscal Estimate – Please provide an estimate of the anticipated revenue gain (loss) to the City if this proposal is enacted. Will any additional staff/resources be required as a result? Please indicate how firm this estimate is.

By itself, the Study Committee will have no fiscal impact on the City, but proposed solutions to the current situation might have substantial impact.

Additional Information – Please provide whatever additional information is relevant, including any previous legislative history for this proposal or similar items.

This item was in the 2002 Legislative Package, but did not receive action.

Department Submission
For 2003 Legislative Package

Department: Watershed Management

Water & Sewer Account Expansion

Summary – Please summarize the intent of this proposal. Explain the background of the current law, as well as the goals of this change. Feel free to attach whatever supporting information you believe is necessary.

Amend water and sewer account collection authority to be consistent with the existing property tax collection statute. Presently, water and sewer accounts older than four years are not collectible under Georgia Law, whereas the statute for property taxes allows seven years for collection.

Requested Change – As precisely as possible, please describe the specific legal changes you are proposing. If making an appropriation request, please describe it in sufficient detail. Reference to specific Code sections where relevant is very helpful.

This is not a request for an appropriation. The City of Atlanta has covenanted in the Master Bond Ordinance to collect rates sufficient to provide for requirements to maintain and operate the water / wastewater system. This legislation would enhance the City's ability to meet this requirement.

Expenses/Fiscal Estimate – Please provide an estimate of the anticipated revenue gain (loss) to the City if this proposal is enacted. Will any additional staff/resources be required as a result? Please indicate how firm this estimate is.

This legislation would extend the collection opportunity for water and sewer accounts beyond the current four year period and provide the City with greater legal leverage and options for collections.

Additional Information – Please provide whatever additional information is relevant, including any previous legislative history for this proposal or similar items.

Current City ordinances require that delinquent water and sewer accounts be recorded in the financial records of the City until action is taken pursuant to legislative action to write off accounts. This policy, together with the current limited ability to seek collection, inflates the stated value customer accounts and requires financial statements reserves to appropriatly reflect net realizable value.

Department Submission
For 2003 Legislative Package

Department: Watershed Management

Private Laterals

Summary – Please summarize the intent of this proposal. Explain the background of the current law, as well as the goals of this change. Feel free to attach whatever supporting information you believe is necessary.

Propose legislation that would require a certification of private lateral integrity at the time of real estate sales and/or exchanges. There is no current law requiring the proposed action, however, infiltration and inflow issues relating to private laterals are a major factor in convergence capacity considerations.

Requested Change – As precisely as possible, please describe the specific legal changes you are proposing. If making an appropriation request, please describe it in sufficient detail. Reference to specific Code sections where relevant is very helpful.

This is not a request for an appropriation. This legislation would place requirements on real property transfer very similar to those currently existing for termite inspections.

Expenses/Fiscal Estimate – Please provide an estimate of the anticipated revenue gain (loss) to the City if this proposal is enacted. Will any additional staff/resources be required as a result? Please indicate how firm this estimate is.

Enhances the effectiveness of improvements to capacity infrastructure and may provide a reduction in costs of capital improvements required to control infiltration and inflow into the wastewater system.

Additional Information – Please provide whatever additional information is relevant, including any previous legislative history for this proposal or similar items.

Department Submission
For 2003 Legislative Package

Department: Watershed Management

Water/Sewer Liens

Summary – Please summarize the intent of this proposal. Explain the background of the current law, as well as the goals of this change. Feel free to attach whatever supporting information you believe is necessary.

Propose expanding the authority of the City of Atlanta to place water and sewer liens / judgments on real property and other property in connection with collection of delinquent service accounts- current law restricts liens to property owners with service in property owners name. This allows rent dwellers to incur charges and the owner to escape liability.

Requested Change – As precisely as possible, please describe the specific legal changes you are proposing. If making an appropriation request, please describe it in sufficient detail. Reference to specific Code sections where relevant is very helpful.

This is not a request for an appropriation. This legislation would direct responsibility for the utility service to the property owner and this provides greater capacity for collection.

Expenses/Fiscal Estimate – Please provide an estimate of the anticipated revenue gain (loss) to the City if this proposal is enacted. Will any additional staff/resources be required as a result? Please indicate how firm this estimate is.

Provides enhancement to City's compliance with bond ordinances and covenants and provides for maximization of collection of accounts, which are being archived. Revenue collections could improve 2-3% per year. Based on current revenue, that calculates to $4-6 million per year.

Additional Information – Please provide whatever additional information is relevant, including any previous legislative history for this proposal or similar items.

Department Submission
For 2003 Legislative Package

Department: Watershed Management

Consent Decree Fine Recycling

Summary – Please summarize the intent of this proposal. Explain the background of the current law, as well as the goals of this change. Feel free to attach whatever supporting information you believe is necessary.

The Consent Decree and First Amended consent Decree provides for payment of stipulated penalties pursuant to noncompliance with terms and conditions of such decrees. The State of Georgia receives 50% of such penalties paid by the City, the balance being paid to the USEPA.

Requested Change – As precisely as possible, please describe the specific legal changes you are proposing. If making an appropriation request, please describe it in sufficient detail. Reference to specific Code sections where relevant is very helpful.

The Georgia Department of Natural Resources, Environmental Protection Division, has the authority to recommend the programming of penalty proceeds for Atlanta sponsored supplemental environmental projects.

Expenses/Fiscal Estimate – Please provide an estimate of the anticipated revenue gain (loss) to the City if this proposal is enacted. Will any additional staff/resources be required as a result? Please indicate how firm this estimate is.

Keeps stipulated penalties (currently about $250k to $500k per year to EPD) within the City, to provide funding to address lower priority environmental projects.

Additional Information – Please provide whatever additional information is relevant, including any previous legislative history for this proposal or similar items.

The City has paid in excess of $6,000,000 in fines relating to settling consent decree matters.

Department Submission
For 2003 Legislative Package

Department: Watershed Management

Commercial Paper

Summary – Please summarize the intent of this proposal. Explain the background of the current law, as well as the goals of this change. Feel free to attach whatever supporting information you believe is necessary.

Relax restrictions on utilization of short-term debt by municipalities to finance capital projects. Current law prohibits the issuance of commercial paper by local governments.

Requested Change – As precisely as possible, please describe the specific legal changes you are proposing. If making an appropriation request, please describe it in sufficient detail. Reference to specific Code sections where relevant is very helpful.

This action may require a change in Georgia constitution as commercial paper issuance is prohibited, except for authorities. This change would allow local governments to take advantage of "just in time" financing.

Expenses/Fiscal Estimate – Please provide an estimate of the anticipated revenue gain (loss) to the City if this proposal is enacted. Will any additional staff/resources be required as a result? Please indicate how firm this estimate is.

Reduces the cost of financing capital and other projects allows local governments to plan debt events more consistently with cash outlay requirements, thus reducing the overall cast of debt and risks relating to arbitrage violations.

Additional Information – Please provide whatever additional information is relevant, including any previous legislative history for this proposal or similar items.

A proposal to permit the airport to use commercial paper was in the 2002 Legislative Package.

Department Submission
For 2003 Legislative Package

Department: Watershed Management

Sales Tax Exemption

Summary – Please summarize the intent of this proposal. Explain the background of the current law, as well as the goals of this change. Feel free to attach whatever supporting information you believe is necessary.

A current Georgia Administrative rate (560-12-2-.87) exempts certain machinery from sales tax pursuant to the filing of an application for exemptions. The intent of this proposal is to expand that exempt to include all materials incorporated in any public project that improves water, wastewater, road and airport infrastructure assets.

Requested Change – As precisely as possible, please describe the specific legal changes you are proposing. If making an appropriation request, please describe it in sufficient detail. Reference to specific Code sections where relevant is very helpful.

The amendment of O.C.G.A 48-8-63 (a) to exempt certain tangible property from sales tax as described above.

Expenses/Fiscal Estimate – Please provide an estimate of the anticipated revenue gain (loss) to the City if this proposal is enacted. Will any additional staff/resources be required as a result? Please indicate how firm this estimate is.

The City of Atlanta has major capital projects underway totaling an estimated $8 billion. Estimating that at least 50% of such amount is construction and that 40% of that amount is tangible property, the City could save in excess of $100 million in total for tax exempt purchases.

Additional Information – Please provide whatever additional information is relevant, including any previous legislative history for this proposal or similar items.

Department Submission
For 2003 Legislative Package

Department: City Council

Cigarette Tax

Summary – Please summarize the intent of this proposal. Explain the background of the current law, as well as the goals of this change. Feel free to attach whatever supporting information you believe is necessary.

This proposal would permit the City of Atlanta to impose an additional tax on the sale of cigarettes. Currently, the State of Georgia imposes a relatively low per-pack tax on cigarettes and local governments are enjoined from imposing an additional tax. Increasing cigarette taxes have empirically raised revenues and reduced cigarette smoking in other jurisdictions.

Requested Change – As precisely as possible, please describe the specific legal changes you are proposing. If making an appropriation request, please describe it in sufficient detail. Reference to specific Code sections where relevant is very helpful.

This proposal would amend state law so as to allow certain municipalities to impose an excise tax on cigarettes.

Expenses/Fiscal Estimate – Please provide an estimate of the anticipated revenue gain (loss) to the City if this proposal is enacted. Will any additional staff/resources be required as a result? Please indicate how firm this estimate is.

The proposal would result in substantial revenues for the City. Precise estimates are difficult since there is no exact figure for how many packs of cigarettes are sold in the City of Atlanta currently.

Additional Information – Please provide whatever additional information is relevant, including any previous legislative history for this proposal or similar items.

Department Submission

Department: Corrections

Incarceration Fee

Summary – This proposal seeks authority to impose a fee upon non-indigent convicted offenders who were incarcerated in the City Jail, so as to recoup the costs of booking and processing those offenders. The proposal seeks to shift some of the cost for an offender's detention from the taxpayers to the criminal. The collected revenues could then be dedicated to the Inmate Welfare Fund to pay for medical treatment and other programs.

Requested Change – Still waiting for a draft from Corrections. Essentially, it would authorize the City to enact an ordinance implementing this proposal.

Expenses/Fiscal Estimate – The proposed fee would be capped at $150 per individual, which would then generate up to $150,000. Existing staff could handle the accounting and collection activities.

Department Submission

Department: Finance

COMMERCIAL PARKING SURCHARGE

Summary – This proposal imposes a surcharge, of ten percent (10%) on gross receipts of all commercial parking operators. This proposal's intent is to provide additional sources of income to defray the City's cost associated with meeting road and transportation service delivery requirements. The surcharge would be in the form of an excise tax levied on the gross revenues of all commercial area, space, garage, parking structure or other facility upon which motor vehicles are parked, stored or housed. This proposal is also congruent with the Atlanta region's efforts to promote mass transportation through decreasing the number of single occupancy vehicles, which is a contributor to the region's poor air quality.

Requested Change – The City seeks to gain authority to impose an excise tax through additional legislation from the Georgia General Assembly. Currently the City's levying authority does not allow the imposition of such a surcharge.

Expenses/Fiscal Estimate – The revenue gain to the City if this proposal is enacted is estimated to be $4.2 million.

Additional Information – This source of income is levied in a significant number of U.S. cities. A City parking study committee that included representatives from the parking industry recommended this proposal. (See attached parking report)

Department Submission

Department: Finance

PREPARED FOOD AND BEVERAGE (NON-ALCOHOLIC)TAX

Summary – This proposal imposes a one percent (1%) tax above the current sales tax on prepared food and non-alcoholic beverages. Specifically, this would be a tax on any food and beverage, which the retailer has added value to or has altered its state (other than solely by cooling) by preparing, combining, dividing, heating, or serving, in order to make the food or beverage available for human consumption.

Requested Change – The City is seeking State approval through the passage of legislation in the General Assembly. This tax is currently enacted in North Carolina.

Expenses/Fiscal Estimate – The revenue increase to the City if this proposal is enacted is estimated to be $9 million.

Additional Information –.

Department Submission

Department: Finance

BEER & WINE EXCISE TAX BY THE DRINK

Summary – This proposal imposes a three percent (3%) excise tax on the purchase price of beer and wine. Current State law authorizes local governments to levy a by the drink excise tax on mixed drinks (distilled spirits) O.C.G.A. 3-4-130. There are approximately 450 accounts.

Requested Change – The City is seeking State approval through the passage of legislation in the General Assembly similar to that granted in O.C.G.A. 3-4-130.

Expenses/Fiscal Estimate – The revenue increase to the City if this proposal is enacted is estimated to be $2.5 million.

Additional Information –

Department Submission

Department: Finance

Alcohol Cap Increase on Mixed Drink Beer/Wine

Summary – This proposal intends to increase the annual alcohol license fee charged by the City to $10,000. The current State law states the annual license fee charged by a municipality or county can be no more than $5,000 for each license. There are 1,607 accounts. The City would have the flexibility to increase the license fee. In 1971 the State of Georgia approved a maximum cap at $3,000. In 1980 the cap was increased to $5,000. The cap has been set at $5,000 for 22 years and has not kept pace with inflation and the public safety regulatory requirements.

Requested Change – The City is seeking State approval through the passage of legislation in the General Assembly.

The change would increase the cap from $5,000 to $10,000.

The State Code section affected is GA. L. 1937-38. Ex. Sess., p. 103, GA. L-1965, p. 451, 1; code 1933, SA-2313, enacted by GA. L 1980, P. 1573 1).

Expenses/Fiscal Estimate – The revenue increase to the City if this proposal is enacted is estimated to be $3 million, if the City chose to increase the license fee to $10,000.

Additional Information –

Expenses/Fiscal Estimate – Please provide an estimate of the anticipated revenue gain (loss) to the City if this proposal is enacted. Will any additional staff/resources be required as a result? Please indicate how firm this estimate is.

N/A

Additional Information – Please provide whatever additional information is relevant, including any previous legislative history for this proposal or similar items.

A version of this legislation passed the House in 2002, but was killed during the final day by the Senate as they amended it without time for reconsideration by the House.

Department Submission

Department: Water/Law

Summary – Please summarize the intent of this proposal. Explain the background of the current law, as well as the goals of this change. Feel free to attach whatever supporting information you believe is necessary.

This bill seeks to have security plans exempted from the Open Records Act. The proposed language is self-explanatory.

Requested Change – As precisely as possible, please describe the specific legal changes you are proposing. If making an appropriation request, please describe it in sufficient detail. Reference to specific Code sections where relevant is very helpful.

Amend O.C.G.A. Section 50-14-3 so as to expressly cover meetings which discuss issues related to the exemption outlined below.

Amend O.C.G.A. 50-18-72 in subsection (a) of Code Section 50-18-72, relating to government records which are not required to be disclosed to the public, by striking the word "or" at the end of paragraph (13.1); by replacing the period at the end of paragraph (14) with the symbol and word "; or"; and by adding a new paragraph (15) to read as follows:
"(15) Records which would compromise the security against terrorist or other attack of one or more government facilities or operations by revealing any of the following:
(A) The elements of a plan for protection against terrorist or other attack, which plan elements depend for their effectiveness in whole or in part upon a lack of general public knowledge of such elements;
(B) The existence, nature, location, or function of security devices designed to protect against terrorist or other attack, which devices depend for their effectiveness in whole or in part upon a lack of general public knowledge of such devices;
(C) Plans, blueprints, or other materials which would reveal information about the structure or function of a government facility, which information is not already general public knowledge and which information if made publicly available could facilitate the planning of a terrorist or other attack against or by means of the facility. By way of illustration and not limitation, information protected under this subparagraph may include information concerning such things as: the location and function of nonpublic points of entry to and exit from government facilities; the location and function of government facility ventilation and utility systems; the location and function of government facility computers; and the location and function of generation, processing, and transmission facilities used in water, gas, electric, and other utility systems and plants operated by any agency; or
(D) In the event of litigation challenging nondisclosure by an agency, the court may review the documents in question in camera and may condition disclosure upon such measures as the court may find in writing to be necessary to protect against endangerment of life, safety or public property."

Department Submission

Department: Planning

OneGeorgia Expansion

Summary – This proposal seeks to have the job tax credit which is offered to businesses in the 40 least developed counties extended to businesses in similarly underdeveloped census tracts, regardless of the overall economic vitality of the county in which they are located. Eligible urban census tracts have difficulties attracting businesses, and these tax credits would improve their chances for revitalization. This change would remedy an apparently inadvertent oversight in the 1998 Amendment, which in effect cancelled the credits previously available to impoverished urban census tracts under the 1995 Georgia Business Expansion Support Act. Restoration of the eligibility of these urban census tracts would have the following benefits:

- Provide jobs in disadvantaged communities.
- Increase economic development within urban areas and the State in general.
- Utilize existing infrastructure within urban areas reducing taxpayer costs associated with building new infrastructure.
- Increase density of development thereby reducing sprawl and its associated environmental and quality of life costs, including loss of greenspace, traffic congestion, and air pollution.
- Provide incentives for brownfield development and cleanup.

Requested Change – This proposal seeks an amendment to the 1998 Amendment to the 1995 Georgia Business Expansion Support Act to include tax credits for retail businesses within underdeveloped census tracts which have been deemed eligible for incentives provided in said act. These tax credits would be given to retail businesses that create jobs that pay at least 50% more than the minimum wage.

Expenses/Fiscal Estimate – The revenue gain to the City if this proposal is enacted would be indirect, occurring through redevelopment of unused properties and increased economic activity. Atlanta Development Authority has been working on several projects that would be eligible for credits, including the Historic Westside Village and Centennial Place.