



DeKalb County Government

Manuel J. Maloof Center
1300 Commerce Drive
Decatur, Georgia 30030

Agenda Item

File ID:

Walk-On Item

12/12/2017

Public Hearing: YES NO

Department: Board of Commissioner - District 5

SUBJECT:

Commission District(s): All Districts

A Resolution of the Governing Authority of DeKalb County, Georgia to the DeKalb County Delegation of Georgia General Assembly relating to annexation and creation of new cities.

Information Contact: Commissioner Mereda Davis Johnson

Phone Number: 404-371-2159

PURPOSE:

To encourage the General Assembly to enact legislation that requires annexations, except annexations pursuant to resolution and referendum, within DeKalb County to be approved by the governing authority and that further requires that for incorporations occurring after January 1, 2018 whereby voters in the proposed incorporated area vote upon incorporation, a referendum of all residents of unincorporated DeKalb County shall also be required prior to incorporation.

NEED/IMPACT:

This legislation is needed because piecemeal annexations and incorporations negatively affect the stability of DeKalb County and are financially burdensome to the county.

FISCAL IMPACT:

N/A

RECOMMENDATION:

To approve the resolution and authorize the chief executive officer to execute all necessary documents.

RESOLUTION**A RESOLUTION OF THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA TO THE DEKALB COUNTY DELEGATION OF THE GENERAL ASSEMBLY RELATING TO ANNEXATION AND CREATION OF NEW CITIES**

WHEREAS, the governing authority of DeKalb County requests the General Assembly to enact legislation that requires all annexations, except annexations pursuant to resolution and referendum, within DeKalb County to be approved by the governing authority of DeKalb County; and

WHEREAS, the governing authority of DeKalb County requests the General Assembly to enact legislation that requires a referendum of all residents of unincorporated DeKalb County related to incorporations of new cities; and

WHEREAS, the governing authority of DeKalb County believes this legislation is needed because piecemeal annexations and incorporation affect the stability of DeKalb County and are financially burdensome upon DeKalb County; and

NOW, THEREFORE, BE IT RESOLVED by the governing authority of DeKalb County, Georgia that the following is requested:

1. The language set forth in Exhibit 1 to this resolution be considered, reviewed and enacted by the General Assembly as state law during the 2018 session;
2. The Executive Assistant or designee deliver a copy of this Resolution to each member of the Georgia General Assembly representing a portion of DeKalb County.

ADOPTED by the DeKalb County Board of Commissioners, this ____ day of _____, 2017.

KATHIE GANNON
 Presiding Officer
 Board of Commissioners
 DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this ____ day of _____, 2017.

MICHAEL THURMOND
 Chief Executive Officer
 DeKalb County, Georgia

ATTEST:

APPROVED AS TO FORM:

BARBARA SANDERS-NORWOOD, CCC
Clerk

O.V. BRANTLEY
County Attorney

EXHIBIT 1**A BILL TO BE ENTITLED****AN ACT**

To amend Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated so as to enact legislation requiring approval of a proposed annexation by the governing authority of any county in this state where a sales tax for purposes of a metropolitan area system of public transportation as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment is being levied, and to require a referendum for the creation of new cities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated is amended by inserting a new Code Section 36-36-70 to read as follows:

“36-36-70. Annexations and incorporations after January 1, 2018.

- (a) The provisions of this Code section shall only apply to those counties of this state where a sales tax for purposes of a metropolitan area system of public transportation as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment is being levied.
- (b) After January 1, 2018, the government of no municipality of this state may annex to the existing corporate limits of such municipality any unincorporated area in a county as defined above in Section 36-36-70(a) without first obtaining the approval of the governing authority of the county in which such unincorporated area is situated. Such approval must be obtained by an official act of the governing authority of the county and must be duly recorded upon the minutes of such body. The owner of any real property situated in such county shall have the right to enjoin any municipality which has not obtained the required approval of the governing authority of the county from exercising any municipal powers, functions, or duties over the unincorporated area improperly sought to be annexed to the existing corporate limits by an action for injunction filed in the superior court of the county in which the territory proposed for annexation is situated.
- (c) For incorporations occurring after January 1, 2018, whereby voters in the proposed incorporated area vote upon incorporation, persons registered to vote for members of the General Assembly residing, on the date of the adoption of the applicable charter, in the unincorporated area of a county as defined above in Section 36-36-70(a) shall also vote in the referendum. If a majority of those voting vote in favor of incorporation, the area shall become a part of the corporate limits of the municipality, but not otherwise.”