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HOUSE OF REPRESENTATIVES
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STANDING COMMITTEES
INSURANCE
INTERSTATE COOPERATION
SCIENCE AND TECHNOLOGY

MEMORANDUM

DATE: March 3, 2019

TO: DeKalb Delegation, Leadership of the proposed cities of Greenhaven and Vista Grove, and DeKalb County General Public

FROM: Representative Viola Davis, Georgia House District 87

SUBJECT: Cityhood Legislation

I will enter Legislative Day 26 on the day of March 4, 2019. Being a newly elected official, with a history of researching issues and educating the public, I must inform everyone concerned that I will not sponsor legislation for the creation of a new city for Regular Session 2019-2020 due to the following reasons:

- An unidentified person misrepresented my name and identity to have Legislative Counsel address the legislation on the proposed City of Vista Grove. This was done without my permission or authorization. I will file a complaint as soon as the person (s) is identified. (Exhibit 1)
- Taxpayers and voters have questions on who takes care of the roads. Newly created cities must assume responsibility for its roads, i.e., repair, maintenance, paving, etc. We are researching to verify the length of time which is allegedly two years. (Exhibit 2)
- DeKalb County is not required to share the SPLOST money with the newly created cities. The new cities must wait until it's time for a new vote to be

included in the SPLOST. However, DeKalb's SPLOST money was included in information presented to the public as part of the financing. (Exhibit 3)

- The cities that want to annex property have complained of lack of communication between the City of Greenhaven and established cities. However, I am not aware of such a complaint being made with the City of Vista Grove. I must ensure this matter is resolved.
- Central DeKalb has requested to be removed from the Greenhaven map district. However, I am presently researching the possibility of taking such an action without negatively affecting the legislation and/or forcing unincorporated areas into a city or annexation into a city.
- Due to misinformation, I am forced to perform additional community meetings throughout my District to explain the issue of creating a city to include:
 - Explain how to petition to be removed from the city;
 - Explain my position on the issue of establishing a city;
 - Explain my stand on the right to vote, etc.
 - Explain that I have attended multiple meetings on the issue of establishing a new city and continue to answer questions, concerns, complaints, etc. that have persisted for over 3-4 years.
- Due to a need for fast action since Crossover Day is March 7, 2019 to file the bills, I do not have the time to answer the large number of questions, concerns, complaints, etc. without doing further research on the issue;
- The prior negative history on this issue has caused changes in the requirements and rules for the Governmental Affairs Committee that must be addressed. (Exhibit 4);
- The general public wants to know the viability of the cities, the accuracy of the feasibility studies, and the accuracy of the documented boundaries.

Attachments

EXHIBIT 1

LEGISLATIVE COUNSEL LETTER TO REPRESENTATIVE VIOLA DAVIS

Committee Members:

Speaker of the House
President of the Senate
Secretary of the Senate
Clerk of the House
President Pro Tempore
Speaker Pro Tempore
Senate Majority Leader
House Majority Leader
Senate Minority Leader
House Minority Leader

**Legislative Services Committee****Committee Members:**

Chairperson, Senate Appropriations Committee
Chairperson, Senate Banking and Financial Institutions Committee
Chairperson, Senate Judiciary Committee
Chairperson, House Appropriations Committee
Chairperson, House Judiciary Committee
Chairperson, House Ways and Means Committee

OFFICE OF LEGISLATIVE COUNSEL
316 STATE CAPITOL
ATLANTA, GEORGIA 30334
(404) 656-5000

February 27, 2019

Honorable Viola Davis
Representative, District 87
404-D Coverdell Legislative Office Bldg.
18 Capitol Square SW
Atlanta, Georgia 30334

Dear Representative Davis:

This letter is in response to the recent misunderstanding with our office with regard to proposed legislation creating the City of Vista Grove. Our office received incorrect information regarding that legislation which caused it to incorrectly be placed in your file. However, we now are aware that you never requested such legislation for the creation of that city or any other city in DeKalb County. We regret the confusion and any problems that this misunderstanding may have caused you.

If you have any further questions, please let me know.

Sincerely,

A handwritten signature in blue ink, appearing to read "H. Jeff Lanier", is written over a horizontal line.

H. Jeff Lanier
Deputy Legislative Counsel

Committee Members:

Speaker of the House
President of the Senate
Secretary of the Senate
Clerk of the House
President Pro Tempore
Speaker Pro Tempore
Senate Majority Leader
House Majority Leader
Senate Minority Leader
House Minority Leader

**Legislative Services Committee****Committee Members:**

Chairperson, Senate Appropriations Committee
Chairperson, Senate Banking and Financial Institutions Committee
Chairperson, Senate Judiciary Committee
Chairperson, House Appropriations Committee
Chairperson, House Judiciary Committee
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If you have any further questions, please let me know.

Sincerely,

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H. Jeff Lanier
Deputy Legislative Counsel

DeKalb Delegation Town Hall – 8 Top Issues

Building Bridges and Coalitions to Solve Problems

1. **Transportation** - Equity in Funding with MARTA, high quality service, and rail in South DeKalb;
2. **Education**-Update the QBE formula and remove DeKalb as a “donor county”;
3. **Cityhood**-City of Greenhaven and Vista Grove;
4. **Voting Machine**-Hand-marked paper ballots are the most trustworthy machine (Party position);
5. **Discrimination**-Discrimination against the LGBTQ community and Immigrants/Refugees;
6. **Ethics**-Update the ethics law to correct the unconstitutional ruling;
7. **Medicaid Expansion** – The Georgia House Democrats support Medicaid Expansion and have already filed the Expand Medicaid Now Act (House Bill 37);
8. **Water-Billing Problems**-Address the root cause for the problems with water bills in DeKalb County. We need to address poor maintenance of utilities in the minority communities such as utility poles.

EXHIBIT 2

OWNERSHIP AND CONTROL OF COUNTY ROAD RIGHTS OF WAY

O.C.G.A. § 36-31-7.1

GEORGIA CODE

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*** Current through the 2017 Regular Session of the General Assembly. ***

TITLE 36. LOCAL GOVERNMENT
PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY
CHAPTER 31. INCORPORATION OF MUNICIPAL CORPORATIONS

O.C.G.A. § 36-31-7.1 (2017)

§ 36-31-7.1. Ownership and control of county road rights of way

(a) When a new municipal corporation is created by Act of the General Assembly, the new municipality shall assume the ownership, control, care, and maintenance of county road rights of way located within the area incorporated unless the municipality and the county agree otherwise by joint resolution.

(b) This Code section shall apply to any new municipal corporation created by Act of the General Assembly on or after April 15, 2005.

HISTORY: Code 1981, § 36-31-7.1, enacted by Ga. L. 2015, p. 1358, § 2/HB 477.



EXHIBIT 3

SPLOST FUNDING FOR NEWLY CREATED CITIES

MEMORANDUM

TO: DEKALB DELEGATION, LEADERSHIP OF THE PROPOSED CITIES OF GREENHAVEN AND VISTA GROVE, AND DEKALB COUNTY TAXPAYERS & VOTERS

FROM: REPRESENTATIVE VIOLA DAVIS, HOUSE DISTRICT 87

SUBJECT: SPLOST FUNDING FOR NEWLY CREATED CITIES

DATE: MARCH 3, 2019

CC: DEKALB COUNTY ELECTED OFFICIALS AND ALL APPROPRIATE PARTIES

I, Representative Viola Davis, have asked Legislative Counsel to answer several questions involving multiple issues. I have taxpayers and voters within my District requesting answers to questions, concerns, complaints, etc., before I sponsor any legislation for the creation of a new city. One such question involves SPLOST Funding.

I asked Legislative Counsel if newly created cities have a right and/or are entitled to a portion of SPLOST funding that was voted on in prior years and taxes previously levied in a County. Legislative Counsel has answered my questions with the following statements and/or quotes:

- Newly created cities are not entitled to SPLOST funding;
- SPLOSTs are voted on and approved to fund specific projects; if a city was not in existence when the list was voted on then they would have to wait for renewal of the tax to get any city projects in the mix;
- LOST funding (which is not levied in DeKalb) is a joint city/county tax and the distribution is renegotiated every ten years; If a new city is formed, it can apply for and receive a share of the tax;
- ESPLOSTs are dedicated to capital projects at schools, so a city would not be entitled to a share unless there was an issue with a city school system.

I have witnessed several presentations given to the general public that highlighted SPLOST funding. I have a responsibility to inform the general public that newly created cities are not entitled to have a portion of SPLOST funding. What affect will this have on the financing of repair, maintenance, and paving of roads?

I have a responsibility to provide documented facts concerning this issue and others to eliminate confusion, misunderstanding, misinformation, etc.

EXHIBIT 4

HOUSE COMMITTEE ON GOVERNMENTAL AFFAIRS

COMMITTEE RULES

2019-2020 SESSION

HOUSE COMMITTEE ON GOVERNMENTAL AFFAIRS

COMMITTEE RULES

2019 – 2020 SESSION

1. The quorum for the House Committee on Governmental Affairs shall be four (4) members.
2. A bill, a resolution, or other matter will be considered only after presentation by its principal author or a legislator whom the principal author designates to do so. In the event that more than one member of the General Assembly has signed a measure, the principal author shall be presumed to be the one whose name appears first on the list of authors. This rule may be waived at the discretion of the Chairman.
3. (a) Any bill or resolution coming before the Committee that proposes the incorporation of a new municipality shall be considered only if the bill is introduced during one legislative session, studied over the interim between the session in which it is introduced and the next regular session, and brought up for committee action at the next regular session. In the event that the bill or resolution is introduced in the second year of the biennium, it will need to be reintroduced in the first year of the next biennium in the same form for the committee to consider the legislation.

Any such bill or resolution shall be complete and shall provide for all aspects necessary for the incorporation of the municipality. The bill or resolution shall contain, among other things, a complete description of the proposed municipal boundaries.

As a general rule, the committee shall not consider a bill or resolution unless it is sponsored by at least one member of the House of Representatives or Senate whose district contains all or a part of the area to be incorporated; provided, however, this rule may be waived at the discretion of the Chairman.

Not later than the end of the session in which the bill or resolution is first introduced, a comprehensive feasibility study shall be conducted by either the Carl Vinson Institute of Government, the Andrew Young School of Policy Studies, or the Georgia Tech Enterprise Innovation Institute regarding such municipality using the boundaries set forth in the bill or resolution.

No amendment of the boundaries shall be allowed after the end of the first session in which such bill or resolution is introduced except to deal with subsequent

annexations of the portions of the area proposed for incorporation; provided, however, that the Chairman may permit adjustments to such boundaries.

If two or more proposed municipal incorporations are submitted that have overlapping boundaries, no plan shall proceed until such boundary conflicts are resolved; provided, however, that the Chairman shall be permitted to proceed on a proposed incorporation if it appears to the Chairman that the conflicting plan was not proposed in good faith and was introduced solely to block the consideration of the other proposal.

In addition to the feasibility study, an additional report shall be made to the committee stating the services to be supplied to the citizens of the municipality upon its incorporation, how such services will be supplied, and how the citizens of the proposed municipality will be notified of the services proposed to be supplied prior to the incorporation of the municipality (i.e. in the ballot question, or in the legal advertisement, etc.).

No incorporation that contains a provision or provisions that would limit the full exercise of municipal powers by the proposed municipality (commonly referred to as a "city lite") shall be considered by the committee.

Any other government that may be affected by the proposed incorporation may be permitted to submit to the Chairman impact studies on the effects of the proposed incorporation on such government or other governments. Such impact studies shall be prepared by either the Carl Vinson Institute of Government, the Andrew Young School of Policy Studies, or the Georgia Tech Enterprise Innovation Institute at the expense and direction of such affected government and shall not be required to be included in the original feasibility study prepared by the Carl Vinson Institute of Government or the Andrew Young School of Policy Studies.

4. The Committee shall convene, recess or suspend, and adjourn upon the order of the Chairman.
5. The Chairman shall determine the order in which measures are considered.
6. The Chairman shall determine which subcommittee bills are appointed to and shall appoint a special subcommittee as necessary, which shall serve in the same capacity as a subcommittee, for individual pieces of legislation.
7. The Chair, Vice Chair, and Secretary of the full Committee shall be ex-officio voting members of all subcommittees other than special subcommittees, in which case all voting members shall be appointed at the discretion of the Chairman of the full

Committee. The Chairman and Vice Chairman of any subcommittee shall be ex-officio voting members of all other subcommittees.

8. All subcommittee meetings shall be scheduled with the approval of the Chairman of the full Committee.
9. The Committee will not consider for the first time any measure originating in the House the final week of the session, except upon waiver by the Chairman.
10. The rules of the House will prevail in all matters not covered by Committee rules.
11. These rules may be amended upon motion duly made and subsequently approved by a majority of the members of the Committee.
12. The Secretary of the Committee shall have a copy of these rules distributed to all members of the House.
13. Unless waived by the Chairman, no action will be taken on any bill or resolution assigned to the Committee at the first reading when it is first presented by its author or his or her designee.
14. Unless waived by the Chairman, all committee substitutes and amendments that are being offered for a full committee meeting shall be submitted to the Chairman no less than two hours prior to the meeting of the full Committee.
15. The Chairman shall determine the germaneness of any proposed amendment, substitute, or motion. Same title or same Code section shall not be presumed to be the sole precipitating determinate of germaneness. The Chairman reserves the right not to entertain any amendment, substitute, or motion.
16. In the event that a meeting is called that is not a regularly scheduled full committee meeting, it will be within the discretion of the Chairman to allow amendments and substitutes to be presented to the full committee.

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