



ISAIAH HUGLEY
City Manager

Columbus, Georgia
Georgia's First Consolidated Government
P.O. Box 1340, Columbus, Georgia 31902-1340

Telephone (706) 653-4029
FAX (706) 653-4032

COLUMBUS CONSOLIDATED GOVERNMENT
2018 PROPOSED LEGISLATIVE AGENDA

1. RESTRICTION ON MUNICIPAL POWER:

Protection of home rule powers and local control is of paramount importance to all municipalities. CCG joins GMA in strongly opposing any legislation that restricts the authority of municipalities to respond to and meet the needs of their citizens. (Request of City Manager Isaiah Hugley in support of GMA's Legislative Agenda for Georgia Cities)

Explanation:

Municipal government is the government closest and most responsive to the needs of municipal residents and businesses. Recent polling information indicates that citizens want local control of taxing ability, zoning, quality of life issues and public safety. CCG urges the General Assembly and federal policy makers to resist the temptation to create one-size-fits-all legislation or preemptions. CCG and GMA are concerned with the continued erosion of home rule and any restrictions on the ability of municipalities to enact ordinances and enforce regulations to protect the health, safety and welfare of municipal residents.

2. MANAGEMENT OF PUBLIC RIGHTS-OF-WAYS:

The public should be compensated for the use of municipal rights-of-way. Use of the municipal rights-of way by any private company or individual without appropriate compensation to the public is a gratuity. CCG joins GMA in opposing any legislation that weakens the authority of Georgia's municipalities to regulate the use of their public rights-of way and which weakens the authority to locally determine appropriate compensation for such use. (Request of City Manager Isaiah Hugley in support of GMA's Legislative Agenda for Georgia Cities)

Explanation:

Municipalities currently have the authority to regulate the use of public rights-of-way and contract with utility providers for their use. Any changes to the use of public rights-of-way could hinder economic growth for municipalities and could jeopardize public safety.

3. ONE PAYOR PAYMENT CREDIT:

CCG requests that the General Assembly consider legislation that would require utility companies to accept "One Payor Payment Credit". Currently cities are billed by utility companies per meter at each location owned by the city or county, which sounds simple and fair. However, when paying the bill the city or county should get credit for total consumption each month of all meters instead of consumption at many different rates. (Request of Councilor Gary Allen and Judge Bobby Peters)

Explanation:

A one payment system for total usage at all city/county locations would drastically reduce the amount paid per unit. Utility companies are opposed to one-payor billing and will not accept it without general statewide legislation. This would save each city and county millions of dollars over time.

4. AUTHORIZE THE IMPOSITION AND COLLECTION OF LAW LIBRARY FEES IN MAGISTRATE COURT OF MUSCOGEE COUNTY:

The Board of Trustees of the Muscogee County Law Library requests that the legislative delegation propose legislation that would authorize the Chief Judge of the Magistrate Court to charge and collect, as part of its court costs, a fee of \$5.00 per action or case filed as an additional revenue source for the Muscogee County Law Library. (Request of Judge Gil McBride, Chief Judge of Superior Court).

Explanation:

Pursuant to Subsections (a), (d) and (e) of O.C.G.A. 36-15-9, the Muscogee County Law Library currently receives funding from the superior, state, probate, recorders and municipal courts in the amount of \$5.00 per action or case filed. These five courts of record serve as the primary source of funding for the law library. Historically, revenues from Recorder's Court far exceed those received from the other four courts. However, revenues from Recorder's Court have sharply and steadily declined by approximately 30% over the past several fiscal years. Since cost-cutting measures will not ameliorate the resulting deficit, the law library must seek an additional revenue source to continue providing valuable online and print resources and services to members of the local Bar and general public.

Following the lead of other jurisdictions, the Board of Trustees hereby makes this request inasmuch as the Magistrate Court of Muscogee County is the only remaining court of record not currently providing revenues for the law library. This is so despite its referral of a significant number of patrons to the law library. Moreover, effective July 1, 2017, the General Assembly amended O.C.G.A. 36-15-1 to include the chief judge of magistrate court on the county law library board of trustees, thereby implicitly recognizing their increasingly shared interests. Nonetheless, O.C.G.A. 15-10-86 precludes magistrate courts from charging law library fees unless otherwise provided by local law. The term "local

law” as used herein means a local act of the General Assembly. 1984 Op. Atty. Gen’l. No. U84-12. This must be accomplished by legislative action.

5. CASINO GAMING REFERENDUM:

The Columbus Consolidated Government is requesting the legislative delegation introduce or support legislation to authorize a statewide referendum for a constitutional amendment to allow Georgia citizens to vote as to whether casino gaming should be allowed in Georgia for the purpose of Hope Scholarship funding. Further, if any such constitutional amendment is adopted, this Council requests a local referendum be established for approval or rejection of any such casino gaming in Muscogee County. (Carryover from 2017- Request of Mayor Pro Tem Evelyn Turner Pugh and Councilor Evelyn Mimi Woodson)

Explanation:

To provide Hope Scholarships to college bound students to ensure that a lack of funding does not prevent them from going to college, staying in college and graduating from college.

6. REVIEW PROCESS AND TIMELINE FOR ISSUANCE OF BUILDING PERMITS BY LOCAL GOVERNING AUTHORITIES:

The Columbus Consolidated Government is requesting the legislative delegation advocate against legislation that would reduce timeline for issuing building permits and allowing applicants to use private plans examiners and inspectors to review and approve construction plans. (Carryover from 2017 - Request of John Hudgison/Inspections and Codes Director)

Explanation:

Currently Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to state building, plumbing, and electrical codes, allow municipalities the ability to review plans for up to 30 business days. One proposed bill would amend it to only 15 business days. With the diverse nature of building construction and use, building plans must go through other departments for approval (Engineering, Planning, etc.) as well as other local boards (BHAR, BZA, PAC). Much of that work and approval would take more than 15 business days. This would force the City to stop simultaneous submittals and would not be able to come to the Inspections & Code Department to submit plans until the other departments have reviewed and approved the plans. Also, this would open the door for private plans examiners and inspectors to approve plans and inspect buildings without notifying the local municipality if the applicant feels that the timelines are not met.

7. MILITARY RETIREE STATE TAX EXEMPTIONS:

The Columbus Consolidated Government is requesting that the legislative delegation support efforts to exempt military retiree pay from state income tax in order to attract military retirees to Columbus, Georgia as recommended by the Greater Columbus, Georgia Chamber of Commerce. (Carryover from 2017 – Request of The Greater Columbus, Georgia Chamber of Commerce)

Explanation:

- Exempt Military Retiree Pay From Georgia Taxes.

Ø Of The Five States Bordering Georgia, Four Do Not Tax Military Retiree Pay.
Ø Border Cities Are At A Competitive Disadvantage To Attract Veterans To Area.
Ø Consider A Transition By Beginning With An Exemption To Those Military Retiring In 2018, Then Work Back Each Year Until All Are Captured.

8. REMOVAL OF JUNKED MOTORIZED VEHICLES BY TOWING:

The Columbus Consolidated Government is requesting that the legislative delegation support efforts to amend State Law in a way that clarifies that licensed towing companies may at the request of the governing authority tow derelict vehicles that are left on occupied private property in violation of local ordinance. (Request of Councilor Jerry Pop Barnes)

Explanation:

Columbus has an ordinance which make it a misdemeanor to keep a junked car on private property except when zoning and screening provisions are met. However, other than fining the violator, there is no other meaningful remedy because towing companies are reluctant to tow a vehicle from occupied private property without the protections that are afforded them when they tow in other circumstances.

Note:

Councilor Judy Thomas has requested discussion on “authority of council dealing with the Tax Assessor’s office”.

**2017
Legislative
Agenda
Attached**

COLUMBUS CONSOLIDATED GOVERNMENT

2017 LEGISLATIVE AGENDA

New Requests for the 2017 Legislative Session

1. TAX REFORM – KEY PRINCIPLES OF LOCAL TAXATION:

The Columbus Consolidated Government is requesting the legislative delegation to support GMA's efforts to promote tax reform that increases transparency, respects home rule and the need for municipal government officials to respond to the needs of their constituents by supporting a thorough review of existing tax exemptions and incentives. (Requested by Deputy City Manager Hodge)

Explanation:

During each legislative session, numerous changes are made to Georgia's tax code, often through individual bills. These tax cuts and tax shifts have resulted in an unbalanced tax code, including regional distortions in the tax base, which has in turn led to budget shortfalls at the state and local levels. Since many types of taxation work together to provide revenue for the state and local governments, any change to one type of tax will often affect the others. To ensure that Georgia has a balanced and equitable system of taxation, the state should take a comprehensive approach to taxes as a whole. Of pressing need for immediate reform is the motor vehicle Title Ad Valorem Tax Fee (TAVT) state and local percentage share. Any revision of the tax code should respect the needs of municipal governments and the important and often diverse services that municipalities provide to their residents and property owners.

2. AMENDMENT OF CONFLICT OF INTEREST PROVISION FOR REDEVELOPMENT POWERS LAW:

Introduce/support legislation to revise and to clarify the conflict of interest provisions in the Redevelopment Powers Law which address the participation of local government elective and appointive officials and employees in the creation and administration of Tax Allocation Districts. (Requested by Councilor Henderson)

Explanation:

1) With respect to property acquired after the designation of a redevelopment area or TAD, the current law very broadly prohibits any "elected official, appointed official, or employee of any political subdivision, board, commission, or redevelopment agency from voluntarily acquiring any interest, direct or indirect, in any property contract or transaction or proposed contract or transaction in connection with the redevelopment of that redevelopment area..." The proposed revision would remove the blanket prohibition against voluntary property acquisition in a redevelopment area and instead provide that any official or employee who

has a direct ownership interest in a property that is proposed to receive payment of redevelopment costs shall disclose the interest in writing to the legislative body and shall not vote or in any way participate in considering the matter or seek to influence the votes of others on the matter.

2) The current law requires that any elected or appointed official or employee of a political subdivision who has acquired any interest direct or indirect in property in the redevelopment area within the two years immediately prior to the date the plan is submitted to the local legislative body shall disclose the interest in writing 30 days in advance and "not participate in any action of the political subdivision which affects that property." The revision would cut the time of written notice to 5 days and limit the coverage of the provision to public officers as defined by O.C.G.A. Section 21-5-3 (22) instead of the current general reference to all elected officials, appointed officials and employees.

3) The proposed revision also refines the definition of the property interest covered by the conflict provision. The current law covers any transaction which facilitates the acquisition "any interest direct or indirect" in property and substitutes a direct ownership interest in property as defined by O.C.G.A. Section 21-5-3(8).

3. REPEAL LOCAL POPULATION PROVISION CONTAINED IN ALCOHOLIC BEVERAGE CODE PERTAINING TO MEASUREMENT TO PROHIBITED LOCATIONS:

The Columbus Consolidated Government is requesting that the legislative delegation to the General Assembly introduce legislation to repeal paragraph (d) of O.C.G.A. §3-3-21 so that there are not separate and inconsistent measuring methods which only apply to Columbus and two other Counties of the State. (Requested by Councilor Barnes)

Explanation:

Legislation would repeal the paragraph which provides a different method of measurement from alcohol establishments to prohibited locations for counties having a population between 175,000 and 195,000. This provision is of questionable constitutionality, and Columbus has well over 202,000 people based on the 2014 Census estimate. However, because of technicalities in the way population bills work, there is an argument that unless the population provision is declared unconstitutional by a court, the 2014 Ordinance revision which council adopted to bring us into compliance with the measurement standards used throughout the 156 other counties of the State would be invalid until the year 2020.

4. GEORGIA OPEN CARRY LAW:

The Columbus Consolidated Government is requesting the legislative delegation to support an amendment to OCGA Section 16-11-127 to allow lessees of public assembly venues the ability to choose not to allow weapons within the leased space of their events and to post signage indicating weapons are not allowed. When lessees rent the entire facility they

should have the option of choosing to prohibit weapons within the entire facility and post signage indicating weapons are not allowed. (Requested by David Bevans, CFE, Executive Director Columbus GA Convention & Trade Center, IAVM State Representative)

Explanation:

As OCGA Section 16-11-127 currently stands the law allows anyone with a weapons carry license to bring a firearm into a government building. Unless the venue conducts a weapons check regularly during business hours, customers leasing the space for private events don't have the ability to prohibit guns at their event. Persons carrying a weapon into a facility by the law can't be questioned if they have a permit.

5. **LOCAL GOVERNING AUTHORITIES HAVE TO REVIEW AND ISSUE CERTAIN BUILDING PERMITS:**

The Columbus Consolidated Government is requesting the legislative delegation to advocate against Senate Bill 437, which is requesting a reduced timeline for building permits and giving the applicant an opportunity to use a private plan review to approve construction plans. (Requested by John Hudgison)

Explanation:

Currently Part 2 of Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to state building, plumbing, and electrical codes, allow municipalities the ability to review plans for up to 30 business days. Senate Bill 437 would amend it to only 15 business days. With the diverse nature of building construction and use, building plans have to go through other departments for approval (Engineering, Planning, etc.) as well as other local boards (BHAR, BZA, PAC). Much of that work and approval would take more than 15 business days. This would force the City to stop simultaneous submittals and would not be able to come to the Inspections & Code Department to submit plans until the other departments have seen and approved the plans. Also this opens the door for private plans examiners and inspectors to approve plans and inspect buildings without notifying the local municipality if the applicant feels that the timelines are not met.

6. **ENSURE THAT CONSTITUTIONAL OFFICERS PAY THEIR OWN ATTORNEY'S FEES WHEN FILING SUIT AGAINST THEIR COUNTY GOVERNING AUTHORITY:**

Request that the legislative delegation to the Georgia General Assembly amend OCGA Section 45-9-21 to make it clear that the statute is not applicable to constitutional officers when they file suit against their local governing authority as a plaintiff. (Requested by Councilor Henderson)

Explanation:

One of the issues which has arisen in the current constitution officer litigation is how attorneys' fees are funded during the pendency of the litigation. Plaintiff constitutional officers have taken the position that their attorneys' fees should be paid by the governing authority they are suing from a source other than the officers' budget or personal budget.

The code section was legitimately designed for the situation when both the officer and governing authority are sued and there is a legitimate conflict of interest which makes it impossible for the City Attorney to represent both parties. Clarification is requested from the General Assembly to insure that constitutional officers may not create the conflict and make use of the Statute to sue the governing authority and force it to pay for the attorney's fees without any safeguard to the public coffers.

7. **CASINO GAMING REFERENDUM:**

The Columbus Consolidated Government is requesting the legislative delegation introduce or support legislation to authorize a statewide referendum for a constitutional amendment to allow Georgia citizens to vote as to whether casino gaming should be allowed in Georgia for the purpose of Hope Scholarship funding. Further, if any such constitutional amendment is adopted, this Council requests a local referendum be established for approval or rejection of any such casino gaming in Muscogee County. (Requested by Mayor Pro Tem and Councilor Woodson)

Explanation:

To provide Hope Scholarships to college bound students to ensure that a lack of funding does not prevent them from going to college, staying in college and graduating from college.

8. **PEACHCARE FOR KIDS:**

The Columbus Consolidated Government is requesting the legislative delegation introduce and/or support legislation that will ensure that all uninsured children ages 18 and under have access to PeachCare for kids as created by Title XXI of the Social Security Act to include, preventive, vision, dental, specialist and primary care. (Requested by Mayor Pro Tem)

Explanation:

To ensure that all children have access to affordable healthcare through a healthcare system designed for kids; and to provide a mechanism to ensure that childcare agencies and those responsible for programs/services for kids be encouraged to disseminate material relative to the PeachCare for Kids program.

9. **LEGISLATION IMPOSING RESTRICTIONS ON STEP THERAPY/FAIL FIRST PROTOCOLS:**

Request that our Legislative Delegation provide limitations on Step Therapy/Fail First protocols imposed by insurance companies that restrict the liberty that physicians and health care providers have to prescribe medication they know will be effective in treating their patients. (Requested by Councilor Barnes)

Explanation:

Step Therapy, also known as Fail First policies are insurance practices which require the least expensive drug in any class to be prescribed to a patient first, even if a patient's physician believes a different therapy is medically in the best interest for their condition. We strongly believe the physician should make this decision, not your health insurance company. The result of the Step Therapy process places the patient's health in jeopardy.

Legislation would provide limitations on Step Therapy/FailFirst protocols in order to allow medication access and protect patients. Legislation would: Prohibit insurers from requiring insured patients from having to fail a prescription medication more than once, permit a prescriber to override the step therapy when patients are stable on a prescribed medication, permit a physician to override the step therapy if the physician expects the treatment to be ineffective or will likely cause an adverse reaction by or physical harm to the patient, or is not in the best interest of the patient, based on medical necessity. It would also require health insurance plans to incorporate step therapy approval and override processes in their preauthorization applications.

10. HOTEL TAX RELIEF FOR EVACUEES FROM STORMS OR HURRICANES OR OTHER DISASTERS WHEN AN EVACUATION ORDER IS ISSUED

Request an amendment to the current hotel tax exclusions to provide that no such taxes shall be charged to individuals who are seeking lodging as a result of a mandatory or voluntary evacuation order issued by federal, state or local officials due to a storm, hurricane, or other disaster. (Requested by Councilor Davis)

Explanation:

O.C.G.A. 48-13-51(h)(1) already provides that the tax shall not apply to "persons who certify that they are staying in such room, lodgings, or accommodations provided without charge as a result of the destruction of their home or residence by fire or other casualty." This request is to expand that exemption to include situations where the person's home is not destroyed but they still are forced to seek temporary lodging during an evacuation.

11. NON-PARTISAN PRIMARY BALLOTS FOR ALL LOCAL ELECTED OFFICIALS INCLUDING CONSTITUTIONAL OFFICERS

Amend state law to provide that all local elected officials, including constitutional officers, be elected on non-partisan primary ballots. (Requested by Councilor Davis)

Explanation:

This would allow the voter the opportunity to vote on all local elected officials without having their choices limited by the party they wish to select candidates for state and federal elective office.

12. STATUTORY WAIVER OF STATE HEALTH DEPARTMENT RULES BY LOCAL GOVERNING AUTHORITIES

Amend state law to provide that local governing authorities may waive certain Department of Public Health safety rules for one-time events or meets in facilities they own or operate. (Requested by Councilor Davis)

Explanation:

This will allow the local government the authority to determine when special exceptions to specific Department of Public Health Regulations are appropriate in their own facilities.

13. HOME AND COMMUNITY BASED SERVICES:

The Columbus Consolidated Government is requesting the legislative delegation to continue advocating for and support additional funding in the 2017 Session to be allocated for Home and Community Based Services for Georgia Senior population. (Requested by Councilor Barnes)

Explanation:

Funding received from the Older Americans Act along with State funding are not keeping pace with the increasing needs of the senior population. There is a need of continual funding for Long Term Care Ombudsman Program, the Elderly Legal Assistance Program, and the many Senior Wellness Programs under the Home and Community Based Services.

Carry Over Requests for the 2017 Legislative Session

1. 911 SURCHARGE – INCREASE:

The Columbus Consolidated Government is requesting the legislative delegation to introduce/support legislation to increase 911 fees from \$1.50 to \$2.50 for telephone landlines and wireless phones from \$1 to \$2.50. (Carry over from previous years) (Requested by Deputy City Manager Hodge)

Explanation:

The revenue generated by the landline, wireless and prepaid phones does not currently support the operation of the E911 function. The E911 function for the past four fiscal years has been subsidized from the General Fund and the Other Local Option Sales Tax Fund for a total of \$2.4 million. The E911 fees from the landline phones have continued to decline almost 10% over the last three years.

2. COURT COSTS--RECORDER'S COURT:

The Columbus Consolidated Government is requesting legislation that will repeal the sunset provision and allow Columbus, Georgia to add a fee to state mandated fines as approved for other cities in Georgia. (Carry over from previous years) (Requested by Judge Cielinski)

Explanation:

Recorder's Court provides citizens of Muscogee County with fair and impartial justice, promote public safety, enhance public trust and confidence, and safeguard the constitutional rights of all who appears in this court. Recorder's Court is requesting removal of the sunset provision. This fee should apply to all tickets. The state law as written does not allow the city of Columbus to impose a fee on state mandated fines. CCG is requesting a \$25 fee be imposed due to startup costs instead of the \$15 fee. The charge will be added as a surcharge to each fine imposed by the Recorder's Court, effective July 1, 2017 to be used to defray administrative costs of Recorder's Court.

3. SALES TAX ACCOUNTABILITY AND TRANSPARENCY USER SAFEGUARD (POINT OF SALES DATA):

The Columbus Consolidated Government is requesting the legislative delegation to take necessary steps to ensure the full collection and timely remittance of all sales and use taxes due to the state and to local governments, whether such steps include additional funding for the Department of Revenue for audits and compliance purposes, privatizing sales tax collections or allowing local governments to collect and audit local sales taxes locally. (Carry over 2010/11/12/13/14/15/16) (Requested by Mayor, City Manager and Deputy City Manager Hodge)

Explanation/Example:

1. Require the Department of Revenue to collect data showing sales tax collections in cities;
2. Fully capture all data, whether electronically or manually filed;
3. Require the Department of Revenue to share sales tax data for collections within municipal boundaries;
4. To the extent required to protect taxpayers, support confidentiality and privacy of information shared with cities;
5. Support efforts to increase audits to ensure compliance; and,
6. Allow for more timely remittance of sales tax dollars to local governments.

4. **HOTEL/MOTEL TAX:**

The Columbus Consolidated Government is requesting that the legislative delegation to the General Assembly introduce legislation to amend O.C.G.A. 48-8-96 (h) (1) so that it only applies to LOST referenda held after January 1, 2011, thereby leaving the original two exemptions contained in the 2004 legislation in place in Columbus, Georgia. (Requested by Councilor Henderson)

5. **REPEAL OR MODIFICATION OF HOTEL DESTINATION FEE IMPOSED BY HB 106 2015 SESSION:**

The Columbus Consolidated Government is requesting legislative delegation to repeal or modify Section 3 of HB 106, to be codified as O.C.G.A. §48-13-50.3, which imposes a \$5 per night fee on hotel lodging, as part of the transportation funding plan enacted by HB 170. (Requested by Mayor Pro Tem)

Explanation:

This fee unfairly burden Georgia businesses and visiting families who are already supporting transportation funding through other taxes. This surcharge constitutes another tax upon consumers within the Columbus market and hampers the ability of Columbus hotels to maintain room rates. The burden of any such fee should be spread among all counties and should not impose a heavier burden on residents or visitors to border counties like Columbus-Muscogee. The fee was added as part of an amendment to HB 170 which was made late in the session and was not extensively debated.

6. **PERSONAL TRANSPORTATION VEHICLES (PTV'S):**

The Columbus Consolidated Government is requesting the legislative delegation for an amendment to the provisions of O.C.G.A. §40-6-365(c)(3) which governs the ability of local governments registration of PTV's which are allowed to be used on public streets in specifically designated areas. The amendment would allow inspection and registration of such vehicles annually instead of once every five years. (Requested by Councilor Davis)

Explanation:

This Council has recently enacted an ordinance allowing the use of PTV's on certain designated streets in the Uptown area. Due to state law restrictions, registration was only able to be required every 5 years. Annual registrations are requested to better protect the safety of citizens in areas where PTV's are permitted.

7. MILITARY RETIREE STATE TAX EXEMPTIONS:

The Columbus Consolidated Government is requesting that the legislative delegation support efforts to exempt military retiree pay from state income tax in order to attract military retirees to Columbus, Georgia as recommended by the Greater Columbus, Georgia Chamber of Commerce. (Requested by The Greater Columbus, Georgia Chamber of Commerce)

Explanation:

- Exempt Military Retiree Pay From Georgia Taxes.
 - Exempt Military Retiree Pay From Georgia Taxes; Of The Five States Bordering Georgia, Four Do Not Tax Military Retiree Pay.
 - Border Cities Are At A Competitive Disadvantage To Attract Veterans To Area.