

**STEPHEN F. HUMPHREYS PC
ATTORNEY AT LAW**

PO Box 192
Athens, Georgia 30603
athenslaw@gmail.com
706 207 6982

September 18, 2019

Lt. Col. Jason Johnson
Commanding Officer
Georgia State Patrol
Department of Public Safety
959 United Avenue
Atlanta, GA 30316

Dear Colonel Johnson:

This firm represents State Representative Viola Davis in the matter of the misappropriation of her identity for purposes of misrepresentations in the legislative process.

In this incident, an unknown person introduced local legislation for ██████████ cityhood, submitting a bill in the name of Rep. Davis to legislative counsel at the Capitol without Rep. Davis' knowledge, approval, or permission.

This subversion of the legislative process has created a problem for Rep. Davis with respect to the trust her constituents place in her, as the knowingly false representations made in the legislative process, in her name, without her knowledge or permission, contradict Rep. Davis' representations and commitments to her constituents on this cityhood legislation.

In addition to the harm to Rep. Davis, the misrepresentations made in her name undermine public confidence in the workings of government. Moreover, there is grave potential for illicit pecuniary motive for this fraud in government, as lucrative state and municipal contracts are awarded upon the creation of a new city.

Of course, such knowing misrepresentations related to a matter under state jurisdiction constitute a felony violation of OCGA 16-10-20, as well as OCGA 16-10-8, and possibly identity fraud and other criminal statutes.

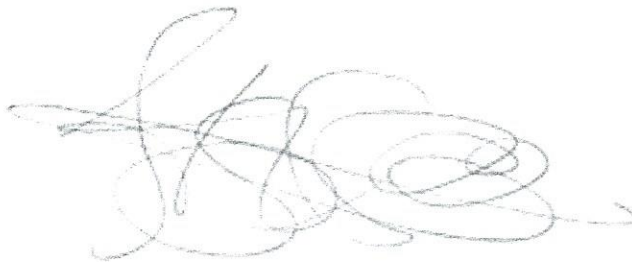
Rep. Davis wishes to pursue investigation and prosecution of this matter but has been unable to obtain assistance from the State, as both legislative counsel and the Attorney General have declined assistance, citing attorney-client privilege and conflicts of interest—going so far as to refuse to identify the person or persons who made these misrepresentations in the name of Rep. Davis.

These events occurred at the State Capitol, in Fulton County, Georgia, and therefore raise issues of criminal conduct and an attack on public integrity within the jurisdiction of the State Patrol.

Please let me know how best to proceed with this matter. Please do not hesitate to let me know if you have any questions or would like additional information or documentation.

Thank you for your attention to this important issue of public trust.

Sincerely,

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

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September 18, 2019

Mr. Adam Abbate, Esq
Public Integrity Unit
Office of the Fulton County District Attorney
136 Pryor Street SW
Atlanta, GA 30303
Adam.Abbate@fultoncountyga.gov

Dear Mr. Abbate:

This firm represents State Representative Viola Davis in the matter of the misappropriation of her identity for purposes of misrepresentations in the legislative process.

In this incident, an unknown person introduced local legislation for ██████████ cityhood, submitting a bill in the name of Rep. Davis to legislative counsel at the Capitol without Rep. Davis' knowledge, approval, or permission.

This subversion of the legislative process has created a problem for Rep. Davis with respect to the trust her constituents place in her, as the knowingly false representations made in her name, without her knowledge or permission, contradict Rep. Davis' representations and commitments to her constituents on this cityhood legislation.

In addition to the harm to Rep. Davis, the misrepresentations made in her name undermine public confidence in the workings of government. Moreover, there is grave potential for illicit pecuniary motive for this fraud in government, as lucrative state and municipal contracts are awarded upon the creation of a new city.

Of course, such knowing misrepresentations related to a matter under state jurisdiction constitute a felony violation of OCGA 16-10-20, as well as OCGA 16-10-8, and possibly identity fraud and other criminal statutes.

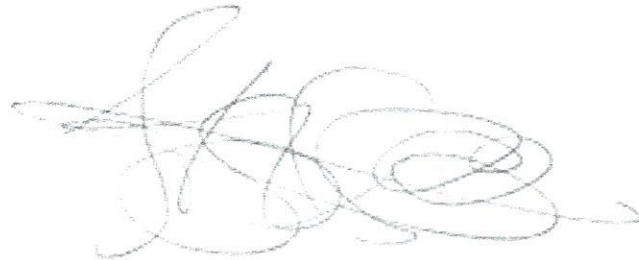
Rep. Davis wishes to pursue investigation and prosecution of this matter but has been unable to obtain assistance from the State, as both legislative counsel and the Attorney General have declined assistance. Legislative counsel cited attorney-client privilege and conflicts of interest—going so far as to refuse to identify the person or persons who made these misrepresentations in the name of Rep. Davis. The Attorney General never responded to a letter expressing Rep. Davis' concerns.

These events occurred at the State Capitol, in Fulton County, and therefore raise issues of criminal conduct and an attack on public integrity within the jurisdiction of the District Attorney.

Please let me know how best to proceed with this matter. Please do not hesitate to let me know if you have any questions or would like additional information or documentation.

Thank you for your attention to this important issue of public trust.

Sincerely,

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September 18, 2019

Mr. BJ Pak, Esq.
US Attorney
Northern District of Georgia
Richard B. Russell Federal Building
75 Ted Turner Drive SW
Suite 600
Atlanta, GA 3030-3309

Dear Mr. Pak:

This firm represents Georgia State Representative Viola Davis in the matter of the misappropriation of her identity for purposes of fraudulent communications in the legislative process.

In this incident, an unknown person introduced local legislation for [REDACTED] cityhood, submitting a bill to legislative counsel at the Capitol and communicating that Rep. Davis was the sponsor without Rep. Davis' knowledge, approval, or permission.

This subversion of the legislative process has created a problem for Rep. Davis with respect to the trust her constituents place in her, as the knowingly false representations made in her name, without her knowledge or permission, contradict Rep. Davis' representations and commitments to her constituents on this cityhood legislation.

In addition to the harm to Rep. Davis, the misrepresentations made in her name undermine public confidence in the workings of government. Moreover, there is grave potential for illicit pecuniary motive for this fraud in government, as lucrative state, municipal, and even federal contracts are awarded upon the creation of a new city.

We believe this scheme or artifice to defraud, and attempted theft of honest services, is a matter for the Public Integrity and Special Matters section of the Criminal Division to address under 18 U.S.C. § 1346.

Rep. Davis wishes to pursue investigation and prosecution of this matter and has been unable to obtain assistance from the State for violations of OCGA § 16-10-20, as both legislative counsel and the Georgia Attorney General have declined assistance. The Georgia Attorney General never responded to a letter from Rep. Davis' laying out the facts and expressing her concerns.

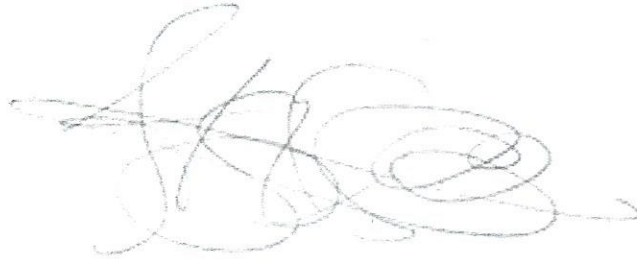
Legislative counsel cited attorney-client privilege and conflicts of interest—going so far as to refuse to identify the person or persons who made these knowing misrepresentations in the name of Rep. Davis. However, the persons involved, whom legislative counsel will not identify, would appear to be acting in a public representative capacity with the requisite fiduciary duties for honest services fraud.

These events and communications occurred in Fulton County, Georgia, and therefore raise issues of criminal conduct and an attack on public integrity within the jurisdiction of the US Attorney for the Northern District of Georgia.

Please let me know how best to proceed with this matter. Please do not hesitate to let me know if you have any questions or would like additional information or documentation.

Thank you for your attention to this important issue of public trust.

Sincerely,

A handwritten signature in blue ink, appearing to be "J. Davis", written in a cursive style.



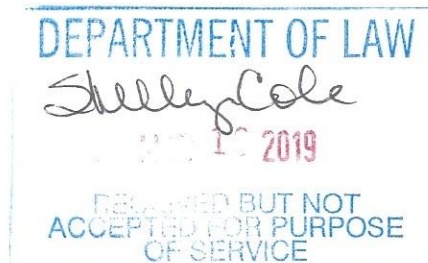
VIOLA DAVIS
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HOUSE OF REPRESENTATIVES
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404-656-0109
404-656-0250 (FAX)

STANDING COMMITTEES
INSURANCE
INTERSTATE COOPERATION
SCIENCE AND TECHNOLOGY

MEMORANDUM

DATE: March 18, 2019



TO: Speaker David Ralston and Attorney General Chris Carr

FROM: Representative Viola Davis, Georgia House District 87

SUBJECT: Official Complaint: Cityhood Legislation - False Statements and Deceptive Acts in Violation of Title 16

I, Representative Viola Davis, request Speaker David Ralston and Attorney General Chris Carr to move forward with an investigation involving the incident that occurred approximately February 27, 2019 involving the misrepresentation of my name and identity to Legislative Counsel. I request that this document serve as an official complaint and I am presenting evidence herewith that will justify the filing of charges against the unidentified person (s) under Title 16 – Crimes and Offenses...16-10-20: False Statements and writings, concealment of facts, and fraudulent documents in matters within jurisdiction of state or political subdivisions.

I will enter Legislative Day 33 on the day of March 18, 2019. Being a newly elected official, with a history of researching issues and educating the public for over 20+ years as a community missionary, activist, and government watchdog, I



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REPRESENTATIVE, DISTRICT 87
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STANDING COMMITTEES
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MEMORANDUM

DATE: March 18, 2019

TO: Speaker David Ralston and Attorney General Chris Carr

FROM: Representative Viola Davis, Georgia House District 87

SUBJECT: Official Complaint: Cityhood Legislation - False Statements and Deceptive Acts in Violation of Title 16

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I will enter Legislative Day 33 on the day of March 18, 2019. Being a newly elected official, with a history of researching issues and educating the public for over 20+ years as a community missionary, activist, and government watchdog, I

am far from being a freshmen to holding government officials accountable for abusing their power and violating the public trust.

I informed everyone concerned in my district that I would not sponsor legislation for the creation of a new city for Regular Session 2019-2020 due to the misrepresentation of my name and identity and listed the reasons. I stated in my attached Memorandum, dated March 3, 2019, that I will file a complaint concerning the misrepresentation of my name and identity. After speaking with Democratic Leadership and members of the DeKalb County Delegation, I realized the seriousness of this misrepresentation and violation by reviewing the booklet, "House of Representatives Conduct of Members – Rules, Constitutional Provisions and Statutes", dated January 14, 2019.

I made every attempt to file a complaint with the proper agency. However, I have yet to be informed of the name of the person (s) who misrepresented my name to the Legislative Counsel concerning the creation of the [REDACTED]. Apparently, there are no records of this ever happening to a Legislator prior to my incident. I am filing this complaint to receive justice and your guidance on the best approach to hold the guilty party (s) accountable.

I will have this document serve as an official complaint against John Doe and/or Jane Doe (and others involved) for violating the following:

1. 16-10-20. False Statements and writings, concealment of facts, and fraudulent documents in matters within jurisdiction of state or political subdivisions.

- A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other

political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

I do not have the power to demand the name of the person who misrepresented my name or insist that the person is charged with a violation. I was informed that due to attorney-client privilege, the identity of this person cannot be disclosed. However, I can document the multiple false statements and acts of deception to ensure no other Legislator's name and/or identity is misrepresented to Legislative Counsel. I particularly want to protect future freshman Legislators.

Sincerely,

A handwritten signature in cursive script that reads "Viola Davis". The signature is written in black ink and is positioned above the typed name.

Representative Viola Davis

Georgia House District 87

Attachments

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

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

February 27, 2019

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

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 [REDACTED]. 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".

H. Jeff Lanier
Deputy Legislative Counsel

TITLE 16
CRIMES AND OFFENSES
SELECTED PORTIONS OF TITLE

16-8-16. Theft by extortion.

(a) A person commits the offense of theft by extortion when he unlawfully obtains property of or from another person by threatening to:

- (1) Inflict bodily injury on anyone or commit any other criminal offense;
- (2) Accuse anyone of a criminal offense;
- (3) Disseminate any information tending to subject any person to hatred, contempt, or ridicule or to impair his credit or business repute;
- (4) Take or withhold action as a public official or cause an official to take or withhold action;
- (5) Bring about or continue a strike, boycott, or other collective unofficial action if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act;
- or
- (6) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense.

(b) In a prosecution under this Code section, the crime shall be considered as having been committed in the county in which the threat was made or received or in the county in which the property was unlawfully obtained.

(c) It is an affirmative defense to prosecution based on paragraph (2), (3), (4), or (6) of subsection (a) of this Code section that the property obtained by threat of accusation, exposure, legal action, or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstance to which such accusation, exposure, legal action, or other official action relates or as compensation for property or lawful services.

(d) A person convicted of the offense of theft by extortion shall be punished by imprisonment for not less than one nor more than ten years.

16-10-1. Violation of oath by public officer.

Any public officer who willfully and intentionally violates the terms of his oath as prescribed by law shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

16-10-2. Bribery.

(a) A person commits the offense of bribery when:

- (1) He or she gives or offers to give to any person acting for or on behalf of the state or any political subdivision thereof, or of any agency of either, any benefit, reward, or consideration to which he or she is not entitled with the purpose of influencing him or her in the performance of any act related to the functions of his or her office or employment; or
- (2) A public official, elected or appointed, or an employee of this state or any agency, authority, or entity of the state, or any county or municipality or any agency, authority, or entity thereof, directly or indirectly solicits, receives, accepts, or agrees to receive a thing of value by inducing the reasonable belief that the giving of the thing will influence his or her performance or failure to perform any official action. A thing of value shall not include:
 - (A) Food or beverage consumed at a single meal or event;
 - (B) Legitimate salary, benefits, fees, commissions, or expenses associated with a recipient's nonpublic business, employment, trade, or profession;

(C) An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, political, professional, or public service;

(D) Food, beverages, and registration at group events to which all members of an agency, as defined in paragraph (1) of subsection (a) of Code Section 21-5-30.2, are invited. An agency shall include the Georgia House of Representatives, the Georgia Senate, committees and subcommittees of such bodies, and the governing body of each political subdivision of this state;

(E) Actual and reasonable expenses for food, beverages, travel, lodging, and registration for a meeting which are provided to permit participation or speaking at the meeting;

(F) A commercially reasonable loan made in the ordinary course of business;

(G) Any gift with a value less than \$100.00;

(H) Promotional items generally distributed to the general public or to public officers;

(I) A gift from a member of the public officer's immediate family; or

(J) Food, beverage, or expenses afforded public officers, members of their immediate families, or others that are associated with normal and customary business or social functions or activities; provided, however, that receiving, accepting, or agreeing to receive anything not enumerated in subparagraphs (A) through (J) of this paragraph shall not create the presumption that the offense of bribery has been committed.

(b) A person convicted of the offense of bribery shall be punished by a fine of not more than \$5,000.00 or by imprisonment for not less than one nor more than 20 years, or both.

16-10-4. Influencing of legislative action by state and local government officers or employees.

(a) Any officer or employee of the state or any agency thereof who asks for or receives anything of value to which he or she is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the General Assembly, or procure or attempt to procure the approval or disapproval of the same by the Governor, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both.

(b) Any officer or employee of a political subdivision who asks for or receives anything of value to which he or she is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the legislative body of the political subdivision of which he or she is an officer or employee shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both.

16-10-5. Influencing of officer or employee of state or political subdivision by another officer or employee.

(a) Any officer or employee of the state or any agency thereof who asks for or receives anything of value to which he or she is not entitled in return for an agreement to influence or attempt to influence official action by any other officer or employee of the state or any agency thereof shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both.

(b) Any officer or employee of a political subdivision who asks for or receives anything of value to which he or she is not entitled in return for an agreement to influence or attempt to influence official action by any other officer or employee of that political subdivision shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not more than \$100,000.00 or by imprisonment for not less than one nor more than five years, or both.

16-10-8. False official certificates or writings by officers or employees of state and political subdivisions.

An officer or employee of the state or any political subdivision thereof or other person authorized by law to make or give a certificate or other writing who knowingly makes and delivers such a certificate or writing containing any statement which he knows to be false shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

16-10-9. Acceptance of office or employment in more than one branch of government.

(a) It shall be unlawful for:

(1) Members of the General Assembly to accept or hold office or employment in the executive branch of the state government or any agency thereof or in the judicial branch of the state government;

(2) Judges of courts of record or their clerks and assistants to accept or hold office or employment in the executive branch of the state government or any agency thereof or in the legislative branch of the state government; or

(3) Officers or employees of the executive branch of the state government to accept or hold office or employment in the legislative or judicial branches of the state government.

(b) A person who knowingly disburses or receives any compensation or money in violation of this Code section is guilty of a misdemeanor.

(c) Nothing in this Code section shall be construed to apply to any officer or employee of the executive branch who has taken a leave of absence without pay from his post for temporary service as an employee of the legislative branch while it is in session and during the authorized stay-over period.

16-10-20. False statements and writings, concealment of facts, and fraudulent documents in matters within jurisdiction of state or political subdivisions.

A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

16-10-21. Conspiracy to defraud state or political subdivision.

(a) A person commits the offense of conspiracy to defraud the state when he conspires or agrees with another to commit theft of any property which belongs to the state or to any agency thereof or which is under the control or possession of a state officer or employee in his official capacity. The crime shall be complete when the conspiracy or agreement is effected and an overt act in furtherance thereof has been committed, regardless of whether the theft is consummated. A person convicted of the offense of conspiracy to defraud the state shall be punished by imprisonment for not less than one nor more than five years.

(b) A person commits the offense of conspiracy to defraud a political subdivision when he conspires or agrees with another to commit theft of any property which belongs to a political subdivision or to any agency thereof or which is under the control or possession of an officer or employee of a political subdivision in his official capacity. The crime shall be complete when the conspiracy or



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REPRESENTATIVE, DISTRICT 87
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STANDING COMMITTEES
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INTERSTATE COOPERATION
SCIENCE AND TECHNOLOGY

DATE: March 3, 2019

TO: House Speaker David Ralston

FROM: Representative Viola Davis, Georgia House District 87

Cc: Minority Leader Bob Trammell, DeKalb Delegation Chairwoman Karla Drenner, and All Appropriate Parties

SUBJECT: Excellent Service from Legislative Counsel

I will enter Legislative Day 26 on the day of March 4, 2019. Being a newly elected official, I want to thank Rick Ruskell, Jeff Lanier and the Legislative Counsel for providing me with overall excellent service. I have had an unfortunate experience of an unidentified person misrepresenting my name to have Legislative Counsel address the legislation on the proposed City of [REDACTED]. However, I do not blame the Legislative Counsel.

The women at the front office have provided excellent service and heart-warming smiles and greetings when I and others entered the room. The attorneys in Legislative Counsel have gone as far as to meet me on the House floor to explain questions I requested that they answer.

Legislative Counsel provided me a letter explaining the unfortunate issue concerning cityhood legislation in DeKalb County with an apology. I want to thank them for providing me a letter on the same day for me to explain this issue to my District.

I sincerely appreciate the Legislative Counsel's team for excellent work in resolving this problem. Thank you, again, for taking this problem in stride.

cc: Rick Ruskell, Legislative Counsel & Jeff Lanier



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STANDING COMMITTEES
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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 [REDACTED]. 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 [REDACTED]. 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".

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
Chairperson, House Ways and Means
Committee

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

February 27, 2019

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Representative, District 87
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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 [REDACTED]. 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 black ink, appearing to read "H. Jeff Lanier".

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

Search

Table of Contents (TOC) only

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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