



**DeKalb United**

Concerned Citizens in Opposition to Cityhood  
Georgia Federation of Teachers  
Neighbors Against Greenhaven (N.A.G.)  
Pride Rings in Stone Mountain (PRISM)

**VIA EMAIL:**

August 19, 2023

The Honorable Viola Davis  
404-D Coverdell Legislative Office Bldg.  
Atlanta, GA 30334

Dear Representative Davis,

On behalf of the DeKalb United and our affiliated organizations (Concerned Citizens in Opposition to Cityhood, Georgia Federation of Teachers, Neighbors Against Greenhaven, and Pride Rings in Stone Mountain), we thank you for your commitment and hard work in introducing HB 815 to amend O.C.G.A. Chapter 31 Title 36 (Incorporations).

Subsequent to your bill's introduction, we became aware that Representative Victor Anderson introduced HB 813 during the same legislative session of the General Assembly and those amendments are inclusive of recommendations in your bill.

The purpose of this letter is to let you know the consensus of DeKalb United's membership is that both bills meet our goals of improving the incorporation process to correct deficiencies in current law; to enhance community awareness and; to put in place clarity and direction to the legislative process. Most importantly, these bills give a voice to citizens potentially affected by any new incorporations **prior to** the introduction of cityhood legislation, and this should reduce dissension within communities by having an up-front citizen engagement process that is proactive vs. reactive. Additionally, passage of these bills is applicable to all 159 counties within Georgia.

Based on our analysis, we determined that both bills contain virtually the same provisions for the creation new municipalities. However, HB 813 does contain requirements that would further strengthen O.C.G.A. Chapter 31, Title 36. Attached is our review of HB 813 provisions that HB 815 does not address.

While we support both bills, we believe that the ideal solution, if possible, would be to combine the legislation to include HB 813 language shown in the attachment However, we will defer to your judgment as to how we can support these efforts as the legislation moves forward.

We commend you for your time and effort expended to introduce HB 815, and appreciate all that you have done to ensure a positive outcome for Georgia citizens. We look forward to hearing from you as to the next steps to help move the legislation forward.

Best Regards,

*Claudette Leak*

Claudette Leak  
cc: DeKalb United Organizations

Attachment

## **ATTACHMENT**

HB 813 includes the following significant proposed requirements that are absent from HB 815:

- Creation of a Cityhood Initiative Committee
- Registration of Cityhood Initiative Committees as lobbyists
- Ability of a county to submit an impact study
- Require a lower threshold for petition signatures and referendum approval
- Prohibits creation of limited services municipalities

### **A. Preconditions and procedures for new municipalities**

#### **1. Formation of Cityhood Initiative Committee**

- a. A Cityhood Initiative Committee must be created
- b. Committee must be in the form of nonprofit corporation as provided in Chapter 3 of Title 14
- c. Following incorporation of the cityhood initiative committee, the committee shall promptly assemble, appoint officers, and establish bylaws.
- d. The committee shall keep official minutes of every meeting of the committee.
- e. All activities associated with the cityhood initiative, the cityhood initiative committee shall constitute an agency' for purposes of Chapter 14 of Title 50 and Article 4 of Chapter 18 of Title 50
- f. Persons or entities contributing to the cityhood initiative or otherwise advancing and funding a cityhood ballot initiative shall be subject to all disclosure requirements
- g. Prior to the introduction of a cityhood bill, the cityhood initiative committee shall be required to collect and cause to be filed a petition of support for the initiative

#### **2. Lobbying**

- a. All activities associated with the cityhood initiative, such activities shall constitute lobbying (Chapter 5 of Title 21)
- b. Expenditures to be reported to the state

#### **3. Petition**

- a. Requires community support for new municipalities
- b. Counties with a population of 5,000 or less, requires the signatures of at least 25 percent of the electors registered to vote
- c. Counties with a population of more than 50,000, requires the signatures of at least 20 percent of the electors registered
- d. Petition must be certified and validated by probate judge

### **B. Introduction of Legislation**

#### **1. Required Submissions**

- a. On or after July 1, 2024, a cityhood bill may be introduced in the General Assembly during the regular session that is held during the first year of the term of office of members of the General Assembly; provided, however, that such bill shall not be approved during the session in which it is introduced
- b. May only be introduced by a member of the House of Representatives or Senate whose district is located wholly or partially within the area of the proposed municipality  
Certification granting an original municipal charter shall be attached thereto a certificate by the author of the bill
- c. Prohibits creation of limited service municipalities

## **2. Required Studies**

- a. Requires fiscal and service delivery studies
- b. The cityhood initiative committee shall pay for costs of such study. Such study shall be based on the interim service delivery strategy required in this Code
- c. Include financial impact to the county with regard to revenues which will be lost to the county
- d. Include financial impact to all other existing municipalities located wholly or partially within the county with regard to revenues which will be lost
- e. Estimate of the financial impact of any pension obligations directly attributable to the provision of local government services by the county in the unincorporated area of the county proposed for incorporation that may be left unfunded due to the incorporation.
- f. County may elect to submit impact study

## **3. Pensions**

- a. County authorized to create special district to collect 7.75 ad valorem tax to amortize annual pension fund for 30 years
- b. Special district will continue until pension obligation is satisfied

## **4. Referendum**

- a. On or after July 1, 2024, any cityhood bill enacted by the General Assembly must be approved by at least 55 percent of the qualified voters of the proposed municipality
- b. If incorporation is successful, within two years after the election in which the municipality is approved, the municipality reimbursed county for cost of printing and personnel services for election