MINUTES OF SPECIAL CALLED MEETING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 30, 2023

The Cobb County Board of Commissioners attended a special called meeting on Thursday, March 30, 2023 at 9:00 a.m. in the Cobb County Civic Center, 548 South Marietta Parkway Street, Marietta, Georgia, for the purpose of receiving information and participating in discussion regarding the HB 489 Cobb Elected Officials Service Delivery Strategy meeting.

Present and comprising a quorum of the Board of Commissioners were:

Chairwoman Lisa Cupid
Commissioner Keli Gambrill
Commissioner Jerica Richardson
Commissioner JoAnn Birrell
Commissioner Monique Sheffield

1. CALL TO ORDER

Vice Chair Commissioner Richardson called the meeting to order at 9:14 a.m. and provided brief opening remarks.

Chairwoman Cupid provided opening remarks and introductions.

2. OVERVIEW OF HB 489

Kelly Pridgen, Sr. Associate County Attorney, provided an overview of the Service Delivery Strategy Act.

3. LAND USE DISCUSSIONS

Jessica Guinn, Community Development Agency Director, presented a brief overview of staff discussions between the County and cities related to annexations / de-annexations and land use.

4. OVERVIEW OF CURRENT SERVICES

Dr. Jackie McMorris, County Manager, briefly reviewed a chart of County and City Services.

5. SERVICE DELIVERY STRATEGY REPORT

Doug Eaves, Eaves Consulting Group, LLC, presented information regarding the County's Service Delivery Strategy. The PowerPoint presentation is attached and made a part of these minutes.

6. GROUP DIALOGUE & NEXT STEPS

Dr. McMorris led the County and City officials in an open discussion regarding the upcoming process and provided a timeline of critical dates to meet the October 31, 2024 deadline.

Moving forward, staff will hold monthly meetings.

No official action was taken by the Board.

ADJOURNMENT

The meeting adjourned at 10:26 a.m.

Pamela L. Mabry
County Clerk
Cobb County Board of Commissioners

Cobb County Service Delivery Strategy

Tax Equity Analysis

1

Service Delivery Strategies: Key Concepts of the Law

- Identify all services, including service boundaries, provided by County, each city, and each authority
- Identify the funding source for each service
- Minimize inefficiencies resulting from duplication of services and competition between local governments
- Eliminate "double taxation"
- Eliminate arbitrarily higher fees for water and sewer to nonresidents
- Provide a method to resolve disputes between local governments

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2

Required Updates to SDS

- The SDS Agreement must be reexamined and revised, if necessary, periodically.
- Cobb County's next update for SDS must be submitted to and verified by the Department of Community Affairs no later than 10/31/2024.

Update is needed

- The current SDS agreement still includes the service arrangements, service boundaries, and funding sources that existing in Cobb County in 1999.
- In 2014, the County and Cities negotiated a payment plan in lieu of millage roll-backs for alleged duplicated services. Final payment is this year in November.
- Mableton is not required to be part of the SDS agreement during its two year transition period.

SDS History

- Result of 1972 "Amendment 19" that allowed counties to provide "municipal" type services
- Resulted in competition and conflicts between cities and counties and claims of "duplication of services" and "double taxation"
- In 1997, the General Assembly addressed issues by passing HB 489 SDS Act

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5

SDS Requirements

- Requires periodic negotiation between County and Cities located in the County
- Establishes certain "components" and "criteria" that must be included and addressed in each counties SDS

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6

Components

- Identification of all services provided by the local governments and authorities of the county
- Assignment of services to the local government and/or authorities
- A description of the source of the funding
- Identification of mechanisms to implement services (i.e., IGAs)

Criteria

- Service delivery
  - Efficient, effective and responsive
  - Remediate overlapping and unnecessary services
  - Cities may provide a higher level of service
- Water and sewer rate equalization
- Tax equity
  - Services that primarily benefit unincorporated area or service district must be paid by those that receive the service
  - Derived from special service districts
- Compatibility of land use plans

SDS Tax Equity Question

In Cobb County, do the unincorporated residents fund the services that primarily benefit the unincorporated area?

Yes

In FY audited 2021, the County's cost of unincorporated services was $102 million and the unincorporated revenue was nearly $106 million.

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9

9

Unincorporated Revenues-Expenditure Tax Equity			
Expenditures		Revenues	
Division	Debit	Source	Credit
Code Enforcement		Alcohol Catering Fee	$8,065
Community Development		Alcoholic Bev Control Fee	$245,556
Development and Inspections		Beer License	$419,251
Economic Development		Beer Tax	$4,061,567
Erosion Control		Board Of Education	$71,122
GIS Mapping		Boe-Comm On Liquor By Dnk	$110,053
Occupational Tax (Licenses)		Bus Lic Penalties	$433,790
Planning		CABLE TV FRANCHISE FEES	$7,361,699
Zoning	$11,384,566	Commercial Permits	$3,140,557
Police	$88,349,455	Developer Contributions	$16,400
Public Safety Training Center	$538,587	Franchise Tax	$915,519
		Free Standing Alcohol Vendor	$1,000
ISF Charges		Insurance Premium Tax	$37,372,499
Police Auto Liabilty	$1,043,959	Int. Delinquent Bus Lic	$700,232
Police Cost Allocation	$149,003	Land Disturbance Permit Fee	$94,002
Community Development CA	$59,453	Liquor License	$1,604,909
		Liquor Tax	$568,052
ARC	$851,805	Misc. Licenses & Permits	$254,241
		Motor Vehicle Tax: TAVT U/I SSD Share	$21,882,402
		NPDES Stormwater Discharge PER	$19,635
		OCCUPATION TAX	$21,412,596
		Plan Review Fees	$25,400
		Plat Reduction Fee	$5,890
		Railroad Equip Car Tax	$69,871
		Recall Inspections	$311,544
		Residential Permits	$2,503,231
		Sale Of Maps, Books, Copy	$129,835
		Sign Permits	$76,367
		Special Event Permit Fee	$1,000
		Sunday Sales Permits	$497,289
		Wine License	$395,500
		Wine Tax	$1,001,616
		Zoning & Land Use Permits	$217,090
Totals	$102,376,828		$105,927,783
		Over (Short) Revenues to Expenditures	**$3,550,955**
Source FY 2021 ACFR		*Source Period 14 Final 9/2021 Financial*	

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10

10

No double taxation issues exist

- No need for remediation
- Board of Commissioners will decide whether to create a special service district for the unincorporated area or to separately account for in the General Fund

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11

New Cities

- Newly incorporated cities are exempt from SDS for the up to two year transition period
- County is required by law to provide certain services during the transition period, but may be able to recover some costs from the new city
- At the end of the transition period, new cities have all of the powers and duties as any other city. The governing authority of a new city will decide which services it provides directly and which it will provide by contract

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12

Service Identification

- Four basic types
  - Constitutional Officers
  - Entity wide (County or City)
    - By statute or charter
    - By Intergovernmental Agreement (Supplementary)
  - Special service district
  - Primarily benefit the unincorporated area of the County

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13

Constitutional Officers

- Sheriff (includes housing of inmates charged with state crimes)
- Clerk of Superior Court
- Tax Commissioner
- Probate Judge

Constitutional Officers are exempt from SDS, but must include any contracted services (i.e., city tax collection, housing city inmates, or municipal courts)

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14

Entity wide

- Parks and Recreation
- Court System
- Elections (excluding municipal)
- Public Health
- Tax Assessment
- County Road System and ROW
- Signalization (IGA with four cities)
- Animal Control
  - County responsible for rabies control, dangerous dogs and shelter services

Intergovernmental Agreements

- IGAs are needed when the County provides certain services inside a municipality
- Should review and revise, as needed, all existing IGA's

Special Service District (Fire)

- Local Constitutional Amendment creating the Fire Tax District
- Unincorporated area plus Acworth, Kennesaw and Powder Springs
- Internally funded
- Provides Fire Marshal and EMS services, which need updated IGAs

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17

E-911 (Special Revenue)

- Includes unincorporated area, Marietta, Acworth and Powder Springs
- E-911 fees cover service cost
- Includes public safety answering point (PSAP) services only
- Non-emergency dispatch and continued dispatch are city responsibilities

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18

Unincorporated Services

- Code Enforcement (includes inspections)
- Planning and Zoning
- County Police
- Training Center
- Community Development
- Business Licenses/Occupation Taxes
- Atlanta Regional Commission (Joint)

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19

Water and Wastewater

- Cobb County-Marietta Water Authority
- Cobb County Water System is an enterprise funded service providing water and sewer to the unincorporated area and Acworth, Kennesaw and Powder Springs
- Stormwater provided to unincorporated area
- Entities should review any issues for discussion
- SDS needs to be updated to reflect changes since 1999

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20

Land use Plans (Form 3)

- 2004 Agreement contained language to review plans and identify inconsistencies and conflicts. Did identify a resolution process
- 2017 agreement extended plans
- Entities need to review and extend plans and resolution process

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21

Next Steps

- Individual SDS meeting with Cities to identify concerns
- County prepare draft of SDS Form 2 Summary of Service Delivery Arrangements for review and revision by Cities
- Review and revise existing IGAs, as needed
- Continued dialogue and cooperation with mutual respect

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22