

20 December 2007

Fulton County Governance Joint Study Committee: **Final Recommendations.**

The 2007 General Assembly enabled a joint committee to study Fulton County Governance in light of increased municipalization of the county. The members of the commission were: Representatives Ed Lindsey co-chair, Bob Holmes, Kathy Ashe, Margaret Kaiser, Joe Wilkinson, Harry Geisinger, Wendell Willard, Jan Jones, Senators Dan Moody co-chair, Horacena Tate, Kasim Reed, citizens Al Nash, Mark Hennesey, Brad Carver, and County Commissioner Lynn Riley.

The county is 95% incorporated. The south Fulton area which failed to incorporate in a referendum of September 2007 and the Fulton County Industrial District remain unincorporated. The tasks of the Fulton County Commission relative to planning and zoning, parks and recreation, police and fire protection have been significantly reduced.

In 2005, a Blue Ribbon Commission, BRC, was formed by the Fulton County Commission to develop recommendations on Fulton County Governance. It was chaired by Dr. Robert Eger, GA State University, and 14 citizens of the county including Leaguers Myrtle Davis and Portia Scott. Its report was shared with the joint study committee. The chair explained each of the recommendations.

- Seven member commission each from a geographical district with the chair elected therefrom.
- County should provide services of Justice, Health, Human Services, libraries, 911 dispatch, solid waste landfill, storm water system planning and cooperative extension.
- Cities and the special services districts should provide roads, fire protection, law enforcement, ambulance services, parks and recreation, planning/permitting enforcement, storm water system maintenance, solid waste, water collection, and housing and community development.
- Counties should have access to the education SPLOST to facilitate transport of children to school and help increase funding for programs more effective than highway construction. (This recommendation received no attention in the legislative study committee.)
- To save money, elimination of the arts program, supplemental services for the aged, and improvements in benchmarking and performance standards.
- The BRC supports a unified county 911 system and review of the county library system.

The legislative study commission was to determine which services should remain the mission of the Fulton County Commission, and which might be devolved to the cities. The required services of any county are: courts, sheriff, health care to the indigent, elections and voter registration, and tax assessment and collection. In Fulton County, the library system is also required. Senior citizen services are provided, but not required.

The Special Services District provides planning and zoning, parks and recreation, fire and police protection, and roads to the unincorporated areas. Much of the discussion is whether these services need to be maintained by the county or can they be contracted out with existing cities to service the remaining unincorporated areas. Also examined is the financial viability of the unincorporated areas. For tax year 2008, there is enough money left in the reserve fund to forestall another tax increase, but by 2009 some hard decisions will need to be made about the levels of services in those areas.

The Joint Study Committee had three subcommittees – general county governance, courts, and sheriff. All recommendations adopted by the Joint Study Committee are to the General Assembly and in a few cases to the Fulton County Commission. In most cases, the recommendations were unanimous. Those that were not are noted.

County Commission subcommittee recommendations are:

- The commission should be reduced to 5 members, 3 district commissioners and 2 elected at large as of the 2010 election. Each district commissioner would have about 330,000 citizens within the district, compared to a state House seat of about 50,000, a state Senate seat of about 150,000, and a congressional seat of about 630,000, based on the 2000 census. Full committee vote was 7 YES, 5 NO. This recommendation may have tough going in the local delegations of each chamber.
- An alternative was leaving the commission at 7 members, but having 6 district seats and 1 at large seat which would be the chair. Each district commissioner would have about 160,000 citizens in the district.
- The BRC also recommended a 7 member commission, all seats being district seats and the commission would elect its own chair. Each district seat would have about 143,000 population. This recommendation was not seriously discussed.
- Whether the chairman of the commission needs additional authority is recommended for additional study. Both the current commission chair, John Eaves, and the previous chair, Karen Handel, suggested these changes needed to be made.
  - Make the position of Chairman a full-time position.
  - Nominate the County Manager to the Commission for approval.
  - Nominate all department heads to the Commission for approval from a list supplied by the County Manager.
  - Develop and control the meeting agenda subject to a majority override by the full Commission.
  - May terminate the County Manager and department heads subject to consent of the Commission.
- Recommends to the county commission that it be a policy making body and for each member to stay out of operational issues. Vote was 7 YES and 4 NO.
- Staggered terms for commission members is approved as of the 2010 election. Fulton County is the only county in the state with multiple commissioners which does not have staggered terms.

- Non-partisan elections for commission members was discussed but failed for lack of a second.
- South Fulton, the future thereof, is recommended for at least a one year cooling off period. The cityhood referendum was delayed twice and the citizenry was very divided. There seems to be a desire to see if the township proposal, currently in front of the General Assembly, will be placed on the ballot, and pass. This would devolve the powers of planning and zoning to a township, while the county would retain the other responsibilities for services. During the cooling off period, the current annexation powers of surrounding cities would not be constricted.
- Fulton Industrial District was researched extensively. It was created in 1979 by a then allowed local constitutional amendment which states that it cannot be annexed by any city. To change those provisions, a statewide constitutional amendment would have to be proposed and pass. The full committee recommended not changing any aspect of the current situation of the FID.
- There are two pots of money that were required to be created when general legislation was passed regarding the creation of new cities in 2005. It specifies that if a county uses a special services district, the money taxed for the SSC services is to be spent in the area from which the taxes came. No provision was made for what to do with leftover money in the separate fund(s) if those areas became incorporated. Sandy Springs had no separate fund as it voted to incorporate before the new law became effective. The funds for the Milton and Johns Creek areas still have money in them. The committee will sponsor general legislation to require the money to be returned to the areas if and as they become cities. The funds for South Fulton are being used annually to keep the tax mill rate from increasing. It will be exhausted as of 2009.
- Authorities and boards abound within the county, over 100 of them. Some have not met in a decade. The recommendation is that additional study by the commission be done on the viability of every board.
- Regional entities such as Atlanta Regional Commission do not recognize the extensiveness of decision making authority that has been devolved to city councils. Fulton's representation is the chair of the Commission, Atlanta Mayor, and one mayor from South Fulton and one mayor from North Fulton. Since the ARC deals with transportation, water, and other regional issues, the presence of the county commissioner is now not representative of the entities which deliver those services. The study committee recommends the ARC, and other regional entities, review its member composition.

The Courts committee recommendations are:

- One jury pool to serve both superior and state courts will be proposed by a general law for counties having a co-located superior and state courts.
- Each judge is to create a monthly report to the chief judge regarding case loads through an automatic case load tracking computer system.
- Speedy trial has a different meaning between counties depending on the terms of the court circuits. A general law will be proposed to require a trial within six months or by the end of the next court term, whichever is longer.

- Chief Judge of the Fulton Superior court will be granted additional authority to govern and administer the budget needs and day-to-day operations of the court, including reassignment of cases between judges and courts.
- The Fulton Magistrate judges are recommended to have the same structure that exists in the other counties. The Chief magistrate would become elected and would have the ability to appoint, assign, and reassign cases. The Magistrate Court would become the original court for misdemeanors except those requesting jury tries which would be tried in State Court.
- Recommends to the county commission that a site for a 400-bed detention center be located closer to the courthouse. Now, prisoners are transported daily from the Rice Street jail, encountering costs and security considerations that are increasing.

The Sheriff subcommittee recommendations are:

- Costs of holding a convicted prisoner in county facilities until transfer to a state prison is costing the county \$78/day when the state reimburses only \$20/day. Recommends state appropriations consideration to reimburse local counties at a level that more nearly represents actual costs of housing state prisoners.
- Determined that the county commission already has the power to hire a county jailer in lieu of the sheriff. Recommends further study of this issue and to give the county jailer the same liability protections should this move be made.
- Recommends a performance audit of the jail facility and the sheriff's office. That audit is already underway and was initiated by the current sheriff.
- Under state law the sheriff has responsibility for courthouse security with approval of the superior court judge. Recommendation is for the county commission to consider other options if the security plan does not get implemented in a timely manner. Fulton County still has no approved security plan for the courthouse. The sheriff has recommended one, but the superior court judge has not approved, primarily because the judge needed to hire expertise to evaluate the plan prior to approval. The intent heard from the gallery when this bill was under deliberation by the General Assembly was that the Superior Court judge was to review the plan to insure preservation of the constitutional rights of prisoners, employees, and public. The Fulton County Chief Judge read the law as requiring sign off on the entire plan.
- Consolidation of the Sheriff, Marshall, and Fulton County Police was discussed, but no motion to do so was made.
- Both the sheriff and marshall serve process papers; the sheriff for the Superior Court and the marshall for State Court. There was consideration of having just one agency serve papers. The study committee found that state laws already exist to allow consolidation of these duties should the county commission desire.

Unlike the reporting of the Atlanta Journal Constitution, the study committee did not recommend getting rid of the sheriff or moving the duties. Its recommendations were for the Fulton Commission to determine if that should be done, and to insure that if it was done, that sufficient powers and liability protections existed for the replacement structure.

Respectfully submitted,  
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League of Women Voters of Atlanta-Fulton County