



City of Fairburn  
56 Malone Street  
Fairburn, GA 30213  
September 23, 2019 @ 6:00 PM

**WORKSHOP AGENDA**

- |      |                                            |                                           |
|------|--------------------------------------------|-------------------------------------------|
| I.   | Meeting Called to Order:                   | The Honorable Elizabeth Carr-Hurst, Mayor |
| II.  | Roll Call                                  | Shana T. Moss, Interim City Clerk         |
| III. | Presentations:                             | None                                      |
| IV.  | Public Hearing                             | None                                      |
| V.   | Discussions:                               | Councilmembers                            |
| VI.  | Review of Agenda Items for Council Session | Councilmembers                            |
| VII. | Adjournment                                | Councilmembers                            |



City Hall  
56 Malone Street  
Fairburn, GA 30213  
September 23<sup>rd</sup>, 2019 @ 7:00 PM

## Regular Agenda

### *The Honorable Mayor Elizabeth Carr-Hurst, Presiding*

The Honorable Mayor Pro-Tem Linda J. Davis  
The Honorable Pat Pallend  
The Honorable Ulysses J. Smallwood

The Honorable Alex Heath  
The Honorable Hattie Portis-Jones  
The Honorable James Whitmore

Ms. Valerie Ross

City Attorney

I. Meeting Called to Order:

The Honorable Mayor Carr-Hurst

II. Roll Call:

Shana Moss  
Interim City Clerk

III. Invocation:

Pastor Deris Coto  
First Baptist Church of Fairburn

IV. Pledge of Allegiance:

In Unison

V. Presentation:

Office of the Mayor  
Mr. Tommy & Ms. Shana Sheats  
Proclamation for Installation of the  
Traffic Light in the Memory of  
Mrs. Shirley Pompey Sheats

VI. Public Comments: Thirty (30) minutes shall be available for public comments. Each speaker shall be limited to three (3) minutes; however, a speaker may transfer his or her three (3) minutes to another speaker, but no speaker shall be permitted to speak for more than (6) minutes; further in the event, if more than ten (10) speakers desire to speak, each speaker shall be limited to two (2) minutes and no speaker may speak more than four (4) minutes. Issues raised at this time are generally referred to the City Administrator for review. Responses will be provided at a later date.

VII. Adoption of the Council Agenda:

Councilmembers

VIII. Adoption of Consent Agenda Items:

Councilmembers

- |       |                                                                                                                       |                    |
|-------|-----------------------------------------------------------------------------------------------------------------------|--------------------|
| IX.   | Adoption of City Council Minutes:<br>(September 9 <sup>th</sup> , 2019 Regular Meeting and Executive Session Minutes) | Councilmembers     |
| X.    | Public Hearing:                                                                                                       | None               |
| XI.   | Agenda Items:                                                                                                         |                    |
|       | 1. <b>Office of the Mayor</b><br>Swearing-In of Ms. Arika Birdsong-Miller as City Clerk for the City of Fairburn.     | Mayor Carr-Hurst   |
|       | 2. <b>Finance Director</b><br>For Mayor and Council to review and approve the City's millage rate for 2019.           | Ms. Angela Jackson |
|       | 3. <b>Finance Director</b><br>For Mayor and Council to review and approve the proposed FY2019-2020 budget.            | Ms. Angela Jackson |
| XII.  | Council Comments                                                                                                      | Councilmembers     |
| XIII. | Executive Session                                                                                                     | Mayor Carr-Hurst   |
| XIV.  | Adjournment                                                                                                           | Councilmembers     |

\*When an Executive Session is required, one will be called for the following issues:  
(1) Personnel (2) Real Estate or (3) Litigation.





City of Fairburn  
Mayor and Council Meeting Minutes  
September 9, 2019  
7:00 pm @ City Hall

- I. The meeting was called to order at 7:00 pm by the Honorable Mayor Carr-Hurst.
- II. Roll Call was taken by Interim City Clerk, Shana T. Moss with the following members present:

Mayor Elizabeth Carr-Hurst

|                                            |                                   |
|--------------------------------------------|-----------------------------------|
| The Honorable Mayor Pro-Tem Linda J. Davis | The Honorable Alex Heath          |
| The Honorable Pat Pallend                  | The Honorable Hattie Portis-Jones |
| The Honorable Ulysses J. Smallwood         | The Honorable James Whitmore      |

The attendance of council constituted a quorum and the meeting proceeded.

- III. The invocation was rendered by Mr. Dalton Colburn. Mr. Colburn is a Senior at Landmark Christian Academy in Fairburn.
- IV. The Pledge of Allegiance was recited in unison.
- V. Presentation:  
Ms. Mary Darby of the Collaborative Firm presented the Zoning Rewrite Update. Ms. Darby gave a comprehensive overview of the (1) Enhanced layout of Non-Residential Districts (2) Categorization of Non-Residential Districts Permitted Uses (3) Zoning Map Update (4) Legal Review Update (5) Other Zoning Ordinance Rewrite Highlights and (6) Remaining Project Schedule. She also stated that railroad districts have not been changed. This rewrite has been through Phase 1 of the legal review which transpired from July 29<sup>th</sup>-August 26<sup>th</sup> 2019. The remaining project schedule is:

September 12<sup>th</sup>-20<sup>th</sup>, 2019  
October 1<sup>st</sup>, 2019  
October 14<sup>th</sup>, 2019  
October 28<sup>th</sup>, 2019

Attorney review Phase II  
Fairburn Planning Commission Meeting on Zoning Ordinance  
Fairburn City Council, 1<sup>st</sup> reading of Zoning Ordinance  
Fairburn adopts Zoning Ordinance

Mayor Pro-Tem Davis said she was very impressed with the rewrite. She asked City Planner Tarika Peeks how much time will this rewrite save her in doing her work? Ms. Peeks stated it will be very beneficial, it will allow her to be more efficient, effective and concise when she is researching zoning issues/ordinances.

- VI. Public Comments:
  1. Mr. Earl Jones began his comments by asking if anyone knew what an LVAD was? He stated heart disease is the number one killer in women and LVAD is Left Ventricle Assisted Device. This device runs by batteries and electricity. He stated this device is keeping his daughter alive, she is sick and suffers from heart disease. His daughter's electricity has been disconnected for nonpayment. She is a single parent and for nine months she could not work due to her illness. He stated her electric bill skyrocketed (\$4,000) within three months and with her being out of work

she could not pay the bill. They have sought assistance from agencies to defray the pay. He will be moving in with his daughter to help alleviate some of the cost. He asked the City of Fairburn to have some leniency and reconnect his daughter's electricity.

2. Ms. TaFoya C. Jones, stated she wears the LVAD and her father was the person who spoke prior to her. Ms. Jones said she has Stage 4 advanced heart disease and she has been extremely sick and can't work. She must wear the LVAD constantly without this device she will die. She realizes her bill is high; however, she has made payments and she would like to work out a payment agreement with Fairburn Utilities.
3. Ms. Lula Howard gave accolades to Mr. Harvey Stokes and his team on the cleanup of Splitwood Lane. She further stated trash is being dumped on Vickers Lane.

VII. Adoption of the Council Agenda: The motion to approve was made by Councilman Whitmore with the second provided by Mayor Pro-Tem Davis. Vote: 6-0: Motion Carried

VIII. Adoption of Consent Agenda Items: There were no consent agenda items.

IX. Adoption of City Council Minutes from August 26<sup>th</sup>, 2019 the regular meeting and executive session. The motion to approve the executive session minutes was made by Councilman Heath and the second was provided by Councilman Smallwood. Vote: 6-0: Motion Carried.  
The motion to approve the regular session minutes was made by Mayor Pro-Tem Davis with the second provided by Councilman Whitmore. Vote: 6-0: Motion Carried.

X. Public Hearing: There was no public hearing.

XI. Agenda Items:

1. Parks and Recreation Ms. Chapin Payne  
To provide Mayor and Council with an update on the Fairburn Festival. Ms. Payne stated the Fairburn Festival will be held on Saturday October 5<sup>th</sup>, 2019 from 4:00 pm-9:00 pm. The theme is a Block Party Edition. She hopes this event will bring everyone together. There will be rides for the children, bouncy houses, some of the local high school football players and cheerleaders will be present. The City is sponsoring a Spirit Week leading up to the Festival for everyone to get involved in. Fairburn resident and NFL Player, Mr. Eric Berry will hopefully be in town and will attend the festival. Mayor Carr-Hurst stated there will be a VIP section for elected officials and guests on the upper level of Oz Pizza. Additional activities are a chalk alley, face painting for kids, and characters from the Renaissance Festival.
2. Parks and Recreation Ms. Chapin Payne  
For Mayor and Council to review and approve the facility use agreement for South Fulton Little League Fall 2019 Season. South Fulton Little League uses Duncan Park for the baseball field. This is an annual event with South League. The motion to approve was made by Councilman Pallend and the second was provided by Councilman Heath: Vote: 6-0 Motion Carried
3. Parks and Recreation  
For Mayor and Council to review and approve the facility usage agreement for Kickball for Girls Fall 2019 season. Ms. Payne stated girl's kickball is a fast-growing sport in Fairburn and the turnout has been great with this sport. The motion to approve was made by Mayor Pro-Tem Davis and the second was provided by Councilman Whitmore. Vote: 6-0 Motion Carried.



XII. Council Comments:

Councilwoman Portis-Jones had no comment.

Councilman Pallend had no comment.

Councilman Smallwood had no comment.

Mayor Pro Tem Davis had no comment.

Councilman Heath had no comment.

Councilman Whitmore stated it is always good to see everyone.

Mayor Carr-Hurst had no comment.

XIII. Executive Session: At 7:46 pm a motion to enter into executive session for litigation was made by Councilman Whitmore and the second was provided by Mayor Pro-Tem Davis.

Vote: 6-0: Motion Carried.

XIV. Adjournment: At 7:56 pm with no further business of the City of Fairburn the motion to adjourn was made by Mayor Pro-Tem Davis and the second was provided by Councilman Heath.



**CITY OF FAIRBURN**  
**CITY COUNCIL AGENDA ITEM**

**SUBJECT:** Appointment of Mrs. Arika Birdsong-Miller as the City Clerk for the City of Fairburn.

|                                    |                                              |                                           |
|------------------------------------|----------------------------------------------|-------------------------------------------|
| <input type="checkbox"/> AGREEMENT | <input type="checkbox"/> POLICY / DISCUSSION | <input type="checkbox"/> CONTRACT         |
| <input type="checkbox"/> ORDINANCE | <input type="checkbox"/> RESOLUTION          | <input checked="" type="checkbox"/> OTHER |

**Submitted:** 09-16-2019   **Work Session:** 09-23-2019   **Council Meeting:** 09-23-2019

**DEPARTMENT:** City Clerk

**BUDGET IMPACT:** Salary plus fringes as approved by Council


**PUBLIC HEARING?**   ☐ Yes     ☒ No

---

**PURPOSE:** To officially appoint the City Clerk for the City of Fairburn, Arika Birdsong-Miller.

**HISTORY:** The City Clerk position is appointed by Council; the swearing in is traditional.

**RECOMMENDED ACTION:** Official appointment of City Clerk

  
Elizabeth Carr-Hurst, Mayor

# Arika Birdsong-Miller

**Objective:** Results-oriented professional desiring a City Clerk position with the City of Fairburn that can benefit from my thorough understanding of maintaining official records and comprehension of clerical activities.

## Skills Profile

Results-Driven and Ethical  
Strong Organization  
Effective Communication  
Conflict Management  
Analytical  
Multitasking

## Education

**Bachelor Degree:** Business Administration  
Strayer University, Chamblee, GA  
09/2017  
**Certification:** Georgia Clerks Education  
Regional Training, 69 Hours  
Carl Vincent Institute of Government  
University of Georgia

## Professional Experience

### Deputy City Clerk

November 2018- Current

CITY OF NORCROSS, Norcross, GA

- Supports the maintenance of city records and public documents; performs certification and recording for the city as required on legal documents and other records requiring such certification; seals and attests by signature to ordinances, resolutions, contracts, easements, deeds, bonds or other documents requiring city certification.
- Provides administrative support to the City Manager, City Clerk, and City Council

### City Clerk/ Human Resources Specialist

September 2017 – November 2018

CITY OF LITHONIA, Lithonia, GA

- Attends regular and special Council meetings; performs an accurate recording of the proceedings; and prepares minutes in proper legislative terminology, recording, indexing and filing for the public records; distributes information as requested; prepares Council meeting packages; provides administrative support to the Mayor and Council.
- Advertises, in the legal organ and other media, special meetings of City Council, proposed adoption of ordinances and amendments to ordinances, annual budget proposals, annual millage rate proposals and other items as required.
- Oversees Open Records Requests for public records; provides information to citizens, civic groups, the media and other agencies as requested;
- Oversees the City Cemetery Records; oversees the Opening & Closing Grave Permit
- Payroll Specialist utilizing Ovation Time Card System and Heartland Payroll System
- Issue business licenses, building permits, and collect plans from General Contractors.

### Finance Customer Service Representative (Summer Camp Director)

June 2016 - September 2017

CITY OF VILLA RICA, Villa Rica, GA

- Maintained financial accounts by processing customer adjustments.
- Maintained customer records by updating account information.
- Supervised and scheduled staff daily
- Planned and managed day to day operation of the summer camp program

### Assistant Property Manager/Customer Service Representative

January 2014 – January 2015

HERITAGE PROPERTY MANAGEMENT, Atlanta, GA

- Professionally handled incoming requests from clients and ensured that issues are resolved both promptly and thoroughly.
- Thoroughly and efficiently gathered homeowner, tenant and vendor information.
- Provided quality administrative service and support to three community managers and homeowners.

### Gate Agent

February 2012 – June 2014

DELTA AIRLINES, Atlanta, GA

- Provided excellent customer service.
- Managed loads to ensure weight and balance is correct.



STATE OF GEORGIA

County of Fulton

OATH of OFFICE for CITY CLERK

I, Arika Birdsong-Miller, do solemnly swear or affirm that I will faithfully and truly perform the duties of City Clerk of this City, that I will support and defend the United States Constitution, the Constitution of the State of Georgia, and the Charter of the City of Fairburn, to the best of my skills and ability and as to me shall seem to the best of interest and welfare of the City without fear, favor, or affection.

I do further swear of affirm that I am not the holder of any unaccounted for public money due this State or any political subdivision or authority thereof., that I am not the holder of any office or trust under the government of the United States, any other state, or any foreign state which, by the laws of the State of Georgia, I am prohibited from holding; and that I am otherwise qualified to be a public officer according to the Constitution and Laws of the State of Georgia.

SO HELP ME GOD

This 23<sup>rd</sup> day of September 2019.

---

Arika Birdsong-Miller, City Clerk

---

Elizabeth Carr-Hurst, Mayor



## CITY OF FAIRBURN

### CITY COUNCIL AGENDA ITEM

**SUBJECT:** 2019 Millage Rate

( ) AGREEMENT      ( ) POLICY / DISCUSSION      ( ) CONTRACT  
( ) ORDINANCE      ( ) RESOLUTION      (X) OTHER

**Submitted:** 09/17/2019

**Work Session:** 09/23/2019

**Council Meeting:** 09/23/2019

**DEPARTMENT:** Finance

**BUDGET IMPACT:** To set the 2019 Millage Rate for FY 2020 (October 1, 2019 – September 30, 2020).

**PUBLIC HEARING?** ( ) Yes      (X) No

---

**PURPOSE:** To set the 2019 Millage Rate at 8.100 for the City of Fairburn.

The City of Fairburn's Finance Department will announce the 2019 millage rate for Fairburn City Council's adoption at the City Council Meeting on September 23, 2019 at 7:00 pm. Please see supporting documentation for the estimated current year's tax digest and levy for the past five (5) years.

**HISTORY:** N/A

**FACTS AND ISSUES:** N/A

**RECOMMENDED ACTION:** The Finance Staff recommends that the Mayor and City Council approve the 2019 Millage Rate at 8.100, the same as last year.

  
Elizabeth Carr-Hurst, Mayor

# CITY OF FAIRBURN

## NOTICE OF FIVE YEAR HISTORY

The Mayor and Council of the City of Fairburn will announce and adopt the millage rate which will be set at the regular Council Meeting on Monday, September 23, 2019 at 7:00 p.m. at City Hall, 56 Malone Street, S.W. Fairburn, Georgia and pursuant to the requirements of O.C.G.A. Section 48-5-32 does hereby publish the following presentation of the estimated current year's tax digest and levy for the past five (5) years. All citizens of Fairburn are invited to attend.

| CURRENT 2019 TAX DIGEST AND FIVE YEAR LEVY |             |             |             |             |               |               |  |  |  |
|--------------------------------------------|-------------|-------------|-------------|-------------|---------------|---------------|--|--|--|
|                                            | 2014        | 2015        | 2016        | 2017        | 2018          | 2019          |  |  |  |
| Real & Personal                            | 683,177,684 | 722,556,624 | 739,095,562 | 898,012,705 | 1,254,193,691 | 1,653,227,229 |  |  |  |
| Motor Vehicle                              | 28,954,700  | 20,330,290  | 15,641,550  | 11,456,910  | 8,421,280     | 6,944,070     |  |  |  |
| Mobile Homes                               | 3,920       | 3,920       | 3,920       | 3,920       | 3,920         | 3,920         |  |  |  |
| Timber 100%                                | -           | -           | -           | -           | -             | -             |  |  |  |
| Heavy Duty Equipment                       | 38,888      | -           | 110,000     | 453,536     | -             | 123,451       |  |  |  |
| Gross Tax Digest                           | 712,175,192 | 742,890,834 | 754,851,032 | 909,927,071 | 1,262,618,891 | 1,660,298,670 |  |  |  |
| Exemptions - M & O                         | 184,248,320 | 229,595,582 | 217,409,289 | 327,212,780 | 549,214,180   | 833,729,710   |  |  |  |
| Net Tax Digest                             | 527,926,872 | 513,295,252 | 537,441,743 | 582,714,291 | 713,404,711   | 826,568,960   |  |  |  |
| Gross Millage                              | 17.900      | 17.760      | 18.050      | 17.666      | 16.696        | 17.466        |  |  |  |
| Less Roll Back                             | 9.800       | 9.660       | 9.950       | 9.566       | 8.596         | 9.366         |  |  |  |
| Net Millage                                | 8.100       | 8.100       | 8.100       | 8.100       | 8.100         | 8.100         |  |  |  |
| Net Tax Levy 100%                          | 4,276,208   | 4,157,692   | 4,353,278   | 4,719,986   | 5,778,578     | 6,695,209     |  |  |  |
| Net Increase/(Decrease)                    | 197,966     | (118,516)   | 195,587     | 366,708     | 1,058,592     | 916,630       |  |  |  |
| Net Levy %                                 | 4.85%       | -2.77%      | 4.70%       | 8.42%       | 22.43%        | 15.86%        |  |  |  |





## CITY OF FAIRBURN

### CITY COUNCIL AGENDA ITEM

**SUBJECT:** Proposed Budget for Fiscal Year 2020 (October 1, 2019 – September 30, 2020).

( ) AGREEMENT                      ( ) POLICY / DISCUSSION                      ( ) CONTRACT  
( ) ORDINANCE                      ( ) RESOLUTION                      (X) OTHER

**Submitted:** 09/17/2019

**Work Session:** 09/23/2019

**Council Meeting:** 09/23/2019

**DEPARTMENT:** Finance

**BUDGET IMPACT:** To establish a Budget for Fiscal Year 2020 (October 1, 2019 – September 30, 2020).

**PUBLIC HEARING?** ( ) Yes      (X) No

---

**PURPOSE:** To adopt a Fiscal Year 2020 budget along with budget amendments for the City of Fairburn.

The Proposed Budget for Fiscal Year 2020 is \$54,182,538 and includes budget amendments totaling \$297,510 for the General Fund, \$29,712 for the Confiscated Asset Fund and \$174,510 for the Technology Fee Fund. The FY2020 proposed General Fund budget represents a 4% increase over the FY2019 budget. The overall budget represents a 36% increase over the FY2019 budget due to additional funding in the Grants Fund, Capital Projects Fund, TSPLOST Fund, Confiscated Asset Fund and the Technology Fee Fund. The attached documents includes a summary of the FY2020 budget and the law establishing the Technology Fee Fund.

**HISTORY:** N/A

**FACTS AND ISSUES:** N/A

**RECOMMENDED ACTION:**

The Finance Staff recommends that the Mayor and City Council approve the FY2020 budget and related budget amendments.

  
Elizabeth Carr-Hurst, Mayor



Fairburn City Council  
 Finance Department  
 56 Malone Street, SW  
 Fairburn, Georgia 30213  
 Phone: 770-964-2244

**DATE:** September 23, 2019  
**TO:** Fairburn City Council  
**FROM:** Angela Jackson, Director of Finance  
**SUBJECT:** Amendments to the 2020 Proposed Budget

Listed below are several amendments to the FY 2020 Proposed Annual Budget which are being presented for your consideration and approval.

| <u>Department / Item:</u>                                                                                    | <u>Revenue<br/>Amount</u> | <u>Expenditure<br/>Amount</u> |
|--------------------------------------------------------------------------------------------------------------|---------------------------|-------------------------------|
| Municipal Court Fines                                                                                        |                           |                               |
| Increase revenue for fines                                                                                   | \$ (23,000)               |                               |
| Interest Income                                                                                              |                           |                               |
| Increase interest income                                                                                     | \$ (100,000)              |                               |
| Appropriation from Fund Balance                                                                              | \$ (174,510)              |                               |
| Transfer out to Technology Fee Fund                                                                          |                           | \$ 174,510                    |
| Mayor & Council                                                                                              |                           |                               |
| Increase Education & Training expenses for Council<br>Members on 2 boards or committees in leadership roles. |                           | \$ 15,000                     |
| Fire Department                                                                                              |                           |                               |
| Increase other equipment expenses for 2 life packs.                                                          |                           | \$ 60,000                     |
| Police Department                                                                                            |                           |                               |
| Increase personal services                                                                                   |                           | \$ 48,000                     |
| Total Amendments to FY 2009 General Fund Budget                                                              | \$ (297,510)              | \$ 297,510                    |
| FY2020 Proposed General Fund Budget                                                                          | \$ (16,995,617)           | \$ 16,995,617                 |
| Adopted General Fund Budget                                                                                  | \$ (17,293,127)           | \$ 17,293,127                 |

| <u>Department / Item:</u>                           | <u>Revenue<br/>Amount</u> | <u>Expenditure<br/>Amount</u> |
|-----------------------------------------------------|---------------------------|-------------------------------|
| <b>Confiscated Assets Fund</b>                      |                           |                               |
| Appropriation from Confiscated Assets Fund Balance  | \$ (29,712)               |                               |
| Increase Building Renovations                       |                           | \$ 29,712                     |
| Total Amendments to FY 2020 Confiscated Assets Fund | \$ (29,712)               | \$ 29,712                     |
| Proposed Confiscated Assets Fund                    | \$ 0                      | \$ 0                          |
| Adopted Confiscated Assets Fund                     | \$ (29,712)               | \$ 29,712                     |

### **Technology Fee Fund**

|                                                 |              |            |
|-------------------------------------------------|--------------|------------|
| Appropriation from Fund Balance                 | \$ (174,510) |            |
| Court Services & Police Department              |              |            |
| Increase computer/software expenses             |              | \$ 174,510 |
| Total Amendments to FY 2020 Technolgoy Fee Fund | \$ (174,510) | \$ 174,510 |
| Proposed Technology Fee Fund                    | \$ 0         | \$ 0       |
| Adopted Technology Fee Fund                     | \$ (174,510) | \$ 174,510 |



| Fund | Dept | Account | GL Description            | Approved<br>Budget 2019 | Proposed<br>Budget 2020 | Variance   |
|------|------|---------|---------------------------|-------------------------|-------------------------|------------|
| 100  | 1110 |         | Mayor & Council           | 340,107                 | 272,863                 | (67,244)   |
| 100  | 1310 |         | City Clerk                | 226,010                 | 141,276                 | (84,734)   |
| 100  | 1320 |         | City Administrator        | 1,677,568               | 1,114,910               | (562,658)  |
| 100  | 1510 |         | Finance                   | 503,275                 | 557,622                 | 54,347     |
| 100  | 1535 |         | Technology                | 292,650                 | 270,400                 | (22,250)   |
| 100  | 1540 |         | Human Resources           | 396,914                 | 397,001                 | 87         |
| 100  | 1565 |         | Property Management       | 764,403                 | 643,709                 | (120,694)  |
| 100  | 2650 |         | Court Services            | 364,894                 | 679,893                 | 314,999    |
| 100  | 3200 |         | Police                    | 3,758,969               | 4,152,217               | 393,248    |
| 100  | 3500 |         | Fire                      | 4,276,556               | 3,854,320               | (422,236)  |
| 100  | 4100 |         | Public Works              | 298,526                 | 344,376                 | 45,850     |
| 100  | 4200 |         | Streets                   | 1,564,620               | 1,390,087               | (174,533)  |
| 100  | 4900 |         | Maintenance & Shop        | 170,182                 | 277,532                 | 107,350    |
| 100  | 6100 |         | Recreation Programs       | 612,704                 | 527,007                 | (85,697)   |
| 100  | 7200 |         | Inspection & Enforcement  | 425,532                 | 335,450                 | (90,082)   |
| 100  | 7400 |         | Plananning & Zoning       | 290,330                 | 346,268                 | 55,938     |
| 100  | 7500 |         | Economic Development      | 148,524                 | 116,000                 | (32,524)   |
| 100  | 7600 |         | Downtown Development Auth | -                       | 20,700                  | 20,700     |
| 100  | 9000 |         | Non-Departmental          | 488,000                 | 1,851,496               | 1,363,496  |
|      |      |         |                           | 16,599,764              | 17,293,127              | 693,363    |
| 220  | 0000 |         | Confiscated               | 153                     | 29,712                  | 29,559     |
| 250  | 0000 |         | Grants                    | 315,000                 | 5,091,811               | 4,776,811  |
| 260  | 0000 |         | Tree Bank                 | -                       | 275,368                 | 275,368    |
| 270  | 0000 |         | Technology Fee            | -                       | 174,510                 | 174,510    |
| 275  | 0000 |         | Hotel Motel Tax           | 265,000                 | 265,000                 | -          |
| 350  | 0000 |         | Capital Fund              | -                       | 3,573,828               | 3,573,828  |
| 351  | 0000 |         | Go Bond                   | 855,062                 | 987,632                 | 132,570    |
| 360  | 0000 |         | TSPLOST                   | 1,365,039               | 6,081,391               | 4,716,352  |
| 505  | 0000 |         | Water and Sewer           | 7,855,800               | 8,049,904               | 194,104    |
| 506  | 0000 |         | Storm Water               | 932,800                 | 932,800                 | -          |
| 507  | 0000 |         | Water and Sewer Bond      | 445,682                 | 329,488                 | (116,194)  |
| 510  | 0000 |         | Electric fund             | 8,987,183               | 8,907,323               | (79,860)   |
| 540  | 0000 |         | Sanitation                | 804,539                 | 817,656                 | 13,117     |
| 580  | 0000 |         | Educational Complex       | 1,334,856               | 1,372,988               | 38,132     |
|      |      |         |                           | 23,161,114              | 36,889,411              | 13,728,297 |
|      |      |         |                           | 39,760,878              | 54,182,538              | 14,421,660 |

As of 9/19/19

Senate Bill 345

By: Senator Stone of the 23rd

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to  
2 provide for a technology fee to be collected under certain circumstances; to provide for a  
3 short title; to provide for a purpose for such fees; to provide for imposition of additional civil  
4 filing fees and criminal penalties; to provide for adoption of county resolutions; to provide  
5 for a technology fund; to provide for technology plans; to provide for expenditure of funds  
6 collected; to preempt local Acts providing for technology fees; to provide for an automatic  
7 repealer; to amend Code Section 36-15-7 of the Official Code of Georgia Annotated, relating  
8 to the use of law library funds, so as to change provisions relating to the use of law library  
9 funds for a court's technology needs; to provide for an effective date and applicability; to  
10 provide for related matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
14 Code Section 15-6-95, relating to priorities of distribution of fines, forfeitures, surcharges,  
15 additional fees, and cost in cases of partial payments into the court, as follows:

16 "15-6-95.

17 Notwithstanding any law to the contrary, a clerk of any superior court of this state who  
18 receives partial payments, as ordered by the court, of criminal fines, forfeitures, or costs  
19 shall distribute said sums in the order of priority set forth below:

- 20 (1) The amount provided for in Chapter 17 of Title 47 for the Peace Officers' Annuity  
21 and Benefit Fund;  
22 (2) The amount provided for in Chapter 14 of Title 47 for the Superior Court Clerks'  
23 Retirement Fund of Georgia;  
24 (3) The amount provided for in Chapter 16 of Title 47 for the Sheriffs' Retirement Fund  
25 of Georgia;

- 26 (4) The amounts provided under subparagraphs (a)(1)(A) and (a)(2)(A) of Code Section  
27 15-21-73;
- 28 (5) The amounts provided for under subparagraphs (a)(1)(B) and (a)(2)(B) of Code  
29 Section 15-21-73;
- 30 (6) The amounts provided for in Code Section 15-21-93 for jail construction and staffing;
- 31 (7) The amount provided for in Code Section 15-21-131 for funding local victim  
32 assistance programs;
- 33 (8) The amount provided for in Code Section 36-15-9 for county law libraries;
- 34 (9) The balance of the base fine owed to the county;
- 35 (10) The amount provided for in cases of driving under the influence for purposes of the  
36 Georgia Crime Victims Emergency Fund under Code Section 15-21-112;
- 37 (11) The application fee provided for in subsection (c) or (e) of Code Section 15-21A-6;
- 38 (12) The amount provided for in cases of driving under the influence for purposes of the  
39 Brain and Spinal Injury Trust Fund under Code Section 15-21-149;
- 40 (13) The amount provided for in Code Section 15-21-100 for the Drug Abuse Treatment  
41 and Education Fund; and
- 42 (14) The amounts provided for in subsection (d) of Code Section 42-8-34; and
- 43 (15) The amounts provided for in Code Section 15-21-204 for technology funding."

44 **SECTION 2.**

45 Said title is further amended by adding a new article to Chapter 21, relating to payment and  
46 disposition of fines and forfeitures, as follows:

47 "ARTICLE 11

48 15-21-200.

49 This article shall be known and may be cited as the 'Court Technology Funding Act.'

50 15-21-201.

51 (a) As used in this article, the term 'governing authority' means the body that governs the  
52 county, consolidated government, or municipality, as applicable.

53 (b) This article is enacted in order to authorize the collection of additional civil filing fees  
54 and additional penalty assessments in criminal and traffic cases and cases involving  
55 violations of ordinances of political subdivisions so as to provide that the proceeds derived  
56 therefrom may be used for court-related technology needs, in all levels of courts in this  
57 state, for the use of the courts by the public, judges, prosecuting attorneys, public



58 defenders, attorneys providing indigent defense services, probation officers, law  
59 enforcement officers, and clerks and other court officers.

60 15-21-202.

61 (a) The chief judge of any court may initiate the development of a court technology plan.  
62 Such technology plan may be developed in conjunction with other courts or jurisdictions  
63 throughout this state and shall outline how the fees collected pursuant to this article are to  
64 be utilized. The technology plan may cover any or all of the purposes for the court  
65 technology fund as listed in subsection (b) of Code Section 15-21-205 but shall also be in  
66 accordance with Judicial Council of Georgia's technology standards, when applicable. If  
67 a technology plan involves more than one court, a single court clerk shall be selected to  
68 administer the court technology fund.

69 (b) In order to collect a court technology fee as set forth in Code Sections 15-21-203 and  
70 15-21-204, the governing authority for the participating court must adopt a resolution  
71 placing this article in effect, requiring the imposition and collection of the additional fees  
72 and penalties set forth in Code Sections 15-21-203 and 15-21-204, and agreeing to expend  
73 the funds collected for the purposes provided for in this article. If such additional fees and  
74 penalties will be imposed in any court operated by a municipality, the municipality and  
75 county in which such municipality lies, shall memorialize such agreement in an  
76 intergovernmental contract. Approval shall be deemed to have been granted if a governing  
77 authority does not act within 30 days after a request for approval. The additional fees and  
78 penalties set forth in Code Sections 15-21-203 and 15-21-204 shall not be imposed or  
79 collected until this subsection has been complied with.

80 (c) The chief judge may delegate preparation and oversight of the technology plan to a  
81 court official or court technology board, the membership of such board to be determined  
82 by the chief judge. The members shall serve at the pleasure of the chief judge. After the  
83 technology plan has received governing authority approval, the official or technology board  
84 shall oversee the court technology plan and use of the technology fund, including the  
85 approval, supervision, and oversight of the expenditure of all sums in the technology fund.  
86 (d) Court technology plans and amendments to such plans that are approved by governing  
87 authorities shall be reported to the Judicial Council of Georgia.

88 15-21-203.

89 (a) In addition to all other legal costs, there shall be charged to the filing party and  
90 collected by the clerk an additional filing fee not to exceed \$5.00 in each civil action or  
91 case filed in the superior, state, recorder's, mayor's, and magistrate courts if this article has  
92 been placed in effect as provided in Code Section 15-21-202. Without limiting the

93 generality of the foregoing, such fee shall apply to all adoptions, certiorari, trade name  
94 registrations, applications for change of name, and all other proceedings of a civil nature.  
95 Any matter which is docketed upon the official dockets of the enumerated courts and to  
96 which a number is assigned shall be subject to such fee, whether such matter is contested  
97 or not. Such fee shall not be imposed when a filing fee is waived by law or is paid by a  
98 municipality, county, political subdivisions, or the state.

99 (b)(1) As used in this subsection, the term 'civil action' means:

100 (A) With regard to decedents' estates, the following proceedings: petition for letters of  
101 administration; petition to probate a will in solemn form; petition for an order declaring  
102 no administration necessary; petition to probate a will in solemn form and for letters of  
103 administration with will annexed; and petition for year's support;

104 (B) With regard to a minor guardianship matter as set forth in paragraph (1) of  
105 subsection (f) of Code Section 15-9-60, the proceeding by which the jurisdiction of the  
106 probate court is first invoked;

107 (C) With regard to an adult guardianship matter as set forth in paragraph (1) of  
108 subsection (g) of Code Section 15-9-60, the proceeding by which the jurisdiction of the  
109 probate court is first invoked; and

110 (D) An application for writ of habeas corpus.

111 (2) In addition to all other legal costs, there shall be charged to the filing party and  
112 collected by the clerk an additional fee not to exceed \$5.00 in each civil action filed in  
113 the probate court if this article has been placed in effect as provided in Code Section  
114 15-21-202. For the purposes of the imposition of the civil filing fee required by this  
115 subsection, the probate court shall collect the civil filing fee on each proceeding listed in  
116 subparagraph (A) of paragraph (1) of this subsection involving a decedent but once only  
117 in a guardianship matter involving the same ward or an application for writ of habeas  
118 corpus involving the same applicant.

119 (c) Each clerk of court or any other officer or agent of any court receiving any funds  
120 subject to this Code section shall collect the fee provided for in this Code section, and by  
121 the last day of the month after the month of collection pay the fees into a specially  
122 designated technology fund to be administered by the clerk of court. The fund shall be  
123 separate from all other funds held by the clerk, and the chief judge shall determine how  
124 expenditures shall be approved as set forth in this article.

125 (d) Any governing authority that approves a technology plan may request an audit of such  
126 fund.



127 15-21-204.

128 (a) In every case in which any superior court, state court, probate court, magistrate court,  
129 municipal court, or other court in any county or municipality in which this article has been  
130 placed in effect as provided in Code Section 15-21-202 shall impose a fine, which shall be  
131 construed to include costs, for any offense against a criminal or traffic law of this state or  
132 any ordinance of a political subdivision thereof, there shall be imposed as an additional  
133 penalty not to exceed \$5.00.

134 (b) The sum provided by subsection (a) of this Code section shall be in addition to any  
135 other amount required by law to paid from or added to a criminal fine or ordinance  
136 violation.

137 (c) Each clerk of court or any other officer or agent of any court receiving any funds  
138 subject to this Code section shall collect the fee provided for in this Code section, and by  
139 the last day of the month after the month of collection pay the fees into a specially  
140 designated technology fund to be administered by the clerk of court. The fund shall be  
141 separate from all other funds held by the clerk, and the chief judge shall determine how  
142 expenditures are approved as set forth in this article.

143 (d) Any governing authority that approves a technology plan may request an audit of such  
144 fund.

145 15-21-205.

146 (a) The sums accumulated pursuant to this article shall be used exclusively to provide for  
147 the technology needs, in all levels of courts in this state, for the use of the courts by the  
148 public, judges, prosecuting attorneys, public defenders, attorneys providing indigent  
149 defense services, probation officers, law enforcement officers, and clerks and other court  
150 officers of the court.

151 (b) The use of the sums accumulated pursuant to this article may be expended for the  
152 following:

153 (1) Securing the services of employees or independent contractors to manage, maintain,  
154 install, and repair computer and networking hardware and software; to provide  
155 purchasing information and recommendations; to provide technical assistance; to  
156 coordinate and manage network, Internet, and other such data connections; and for any  
157 and all reasonable and necessary related tasks;

158 (2) Computer hardware and software purchases and leases, including maintenance and  
159 installation of computer hardware and software;

160 (3) Purchase, lease, maintenance, and installation of electronic courthouse systems,  
161 including, but not limited to, imaging, scanning, facsimile, communications, projection,  
162 evidence display systems, courthouse directional displays, audio or video-enhancement



163 technology for hearing impaired persons, security and surveillance systems, and printing  
164 equipment and software;

165 (4) Purchase, lease, maintenance, and installation of networking, Internet, and other  
166 connectivity services to permit related offices to link and share information;

167 (5) Training directly related to the use of operation of court information technology  
168 applications or court information hardware; and

169 (6) Contracts for any and all of the services provided for in this subsection with any  
170 individual or entity supplying such services, expertise, or equipment.

171 (c) This article shall not preclude the appropriation or expenditure of other funds by a  
172 governing authority or by the General Assembly for the purpose of funding court-related  
173 technology needs.

174 (d) This article shall not preclude donations, gifts, grants, or bequests, in-kind or monetary,  
175 from being accepted into the technology fund.

176 15-21-206.

177 Beginning August 1, 2015, each court shall make an annual report to the Judicial Council  
178 of Georgia detailing amounts received pursuant to this article, including the court source  
179 and the expenditure of such fees.

180 15-21-207.

181 Except as provided in this Code section, on and after July 1, 2014, no local law providing  
182 for court technology fees shall be enacted, and all local Acts creating technology fees are  
183 hereby preempted. Funds held by a court pursuant to a local Act enacted prior to July 1,  
184 2014, may continue to be used in the same manner and for the same purposes provided in  
185 any such previously enacted local Act, except that, in any court in which a technology plan  
186 is adopted pursuant to this article, the previously collected funds may be held and used in  
187 accordance with such technology plan.

188 15-21-208.

189 This article shall be repealed in its entirety on July 1, 2020."

190 **SECTION 3.**

191 Code Section 36-15-7 of the Official Code of Georgia Annotated, relating to the use of law  
192 library funds, is amended by revising subsection (a) as follows:

193 "(a) The money paid into the hands of the treasurer of the board of trustees of the county  
194 law library shall be used for the purchase of law books, reports, texts, periodicals, supplies,  
195 desks, and equipment and for the maintenance, upkeep, and operation of the law library,

196 including the services of a librarian and, within the discretion of the board of trustees,  
197 payment for purchases made by a county's superior court, state court, probate court,  
198 magistrate court, or juvenile court, and for the purchase or leasing of computer related legal  
199 research equipment and programs and for technology expenses in accordance with the uses  
200 permitted by subsection (b) of Code Section 15-21-205, and, at the discretion of the county  
201 governing authority, for the establishment and maintenance of the codification of county  
202 ordinances. However, the amount transferred to the county governing authority for  
203 codification pursuant to this subsection shall not exceed the cost of establishing or  
204 maintaining the codification."

205 SECTION 4.

206 **This Act shall become effective on July 1, 2014,** and shall apply to all civil cases filed on or  
207 after that date and all criminal penalties or ordinance violation penalties imposed on offenses  
208 that occur on or after that date, if the provisions of this Act have been adopted by local  
209 governing authorities as provided in Code Section 15-21-202.

210 SECTION 5.

211 All laws and parts of laws in conflict with this Act are repealed.