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Dear Georgia Counties and Partners in County Government,

On behalf of ACCG, we look forward to continuing our work with you to advance Georgia’s counties. Recent times have proven what happens when all players in the government arena prioritize the needs of their collective constituencies. As we look forward to another session of the Georgia General Assembly, we lean on the partnership between counties, the state, and other key players to help continue advancing Georgia’s counties. For the eighth consecutive year, ACCG is providing its members and partners in county government with a legislative toolkit that will inform individuals about the key issues of significance to counties. The 2022 ACCG Legislative Toolkit includes policy briefs on the association’s top four legislative priorities and the Policy Objectives and Guiding Principles – all which comprise the ACCG Policy Agenda. The Toolkit will also aid Georgia’s county officials in becoming more engaged in the state’s policymaking process while asserting the collective voice of county commissioners in legislative affairs.

ACCG’s top legislative priorities for 2022 include Expansion of Sales Tax to Include Digital Goods; Increase Tag/Title Revenue to Fund Administrative Costs; Funding for Mental Health Reform; and Single County TSPLOST: Allow for Collection of Tax for Maximum Time Period. The enclosed legislative priority policy briefs include more details on each issue such as background information, the status of the issue, and talking points for county officials and local government partners to use when discussing these issues. Several issues impacting counties will arise during the session, but the outlined list of Policy Objectives, as identified by the association’s membership, are the items ACCG will actively pursue.

It is our hope this information will contribute to constructive and productive dialogue for the benefit of all Georgians. ACCG looks forward to continuing its work of advancing Georgia’s counties while best serving in our role as a key player in the state’s government arena. County officials and partners in county government are encouraged to use this resource when talking to their legislators during the legislative process. Please do not hesitate to contact a member of the association’s policy team if they can be of assistance as we all work to progress Georgia’s position as a national model for effective and efficient government.

Sincerely,

Steve Taylor
ACCG President and Bartow County Sole Commissioner
ISSUE: Expansion of Sales Tax to Include Digital Goods

BACKGROUND

The way we conduct purchases and receive services in our lives has changed over the years and the tax code in this state has at times been slow at keeping pace. In recent years important changes have allowed the state and local governments to collect sales taxes on tangible items purchased online from out of state retailers, as well as on third-party products purchased through online platforms (i.e., Amazon, Etsy, eBay). Today, more and more Georgians are receiving many of their goods through digital format, in a sense intangible in their physical forms, but the same product and resource all the same. Gone are the days of driving to Blockbuster for a movie, or to your local music store for the newest CD from your favorite artist. The same products we once frequented these establishments for can be bought or rented digitally online in the click of a button, then easily downloaded to our favorite device to be streamed on demand. It is time for the state’s sales tax law to be updated to include these digital goods being purchased and be proactive to the nation’s changing economy. Georgia is not looking to be a pioneer in this pursuit, but rather to maintain parity with the 30 other states in the country already collecting sales taxes on digital goods, including the Southern states of Alabama, Florida, Tennessee, North Carolina and Texas.

COUNTY INTEREST

Though there can often be resistance to expanding sales tax on new technologies, there comes a time when there must be tax equity on products in order to allow for a level playing field for all. These digital products are no longer new, and therefore do not require protection in the market. If Georgia counties can include digital goods in their sales tax collections, they can use additional revenue to offset some of their annual property taxes, therefore helping their citizens attain more affordable property ownership. Expanding taxation to these digital items will also help counties keep revenue balanced as technology continues to move citizens more toward electronic means, and away from physical property. We may soon reach a time where brick and mortar locations may not be able to provide a sustainable tax base, and counties should be ahead of that curve. Another incentive to a digital goods tax is that it can help the inequities that already exist between more populated vs. rural areas. In some instances, rural counties may see more of a tax base created through digital goods than was previously available to them through sales at physical retail locations in their counties.

STATUS

ACCG has advocated for similar digital goods legislation that has been presented in previous sessions. The association feels it is time to take a more active role in pushing for this legislation that seeks to shift the burden of taxation from property owners to the selective sales tax purchases made by consumers. An update to our tax code to include more local government flexibility in the taxes they choose to impose is also vital, and something the association is working to have accomplished.
ISSUE: Expansion of Sales Tax to Include Digital Goods (cont.)

TALKING POINTS

• ACCG asks the General Assembly to help counties reduce their reliance on property taxes by expanding the existing sales tax base to encompass digital goods, including but not limited to, music, books, and videos.

• There is a need for uniformity on sales tax collection of goods. The state should not be picking winners and losers by charging sales tax on physical items, while allowing the same digital version of the product to remain untaxed.

• The General Assembly should also allow counties the flexibility to determine the appropriate mix of sales and use taxes that work best for their local government and do away with barriers in the law that prevent them from doing so.
ISSUE: Title Agent Fees and Equipment Costs

BACKGROUND
Counties have not seen significant updates to reflect the increased costs of the annual vehicle registration processing or vehicle titling tasks in decades. The state has not increased the price of tag fees since 1992, when it was raised from $8.00 to $20.00, though the administrative costs on counties for providing these services for the state has risen exponentially since that time. Likewise, the state has not increased the amount of a title fee for nearly 30 years, when it was last raised from $5.00 to $18.00. Like everything else, the costs of providing these services as well as personnel expenditures has increased and needs to be adjusted. These fees were established to help reimburse the costs of providing these goods and services, but the state has retained almost the entirety of the fees while shifting more of the administrative duties to the counties.

COUNTY INTEREST
Counties have not seen any additional revenue received from completing the vehicle registration and titling process in nearly three decades, though their expenditures to complete these tasks have increased. For example, the $0.50 that counties now receive for providing titles has been in place since 1985, though the application fee itself was increased in 1992 by nearly 320%, with all additional revenue going to the state. The state’s transition to the DRIVES system (the computerized title, tag, and records system) has also increased costs to counties, while at the same time making it far less burdensome on the state. Simply put, counties should be compensated fairly for providing a service that is an administrative function of the state.

STATUS
ACCG is in discussion with legislators to help increase the revenue that counties receive from their role in the tag and title process. Though there were increases in the amounts charged for these services many years ago, the state has been the beneficiary of all additional revenue, while leaving counties with the original unequal split. ACCG, as well as tax commissioners stand ready to help illustrate to the General Assembly the real costs to counties for the work of these annual processes.

TALKING POINTS
• ACCG asks the General Assembly for a modest increase in the vehicle title application fee from the current amount of $18.00 to $20.00. The administrative responsibilities for producing a replacement title require the same amount of work and should likewise be raised from the current amount of just $8.00 to $20.00 as well.
• The additional funds collected from the title fee increase should be paid to the county to offset the increased expenditures of these services provided by the county on behalf of the state, instead of relying on taxpayer money to fill the void.
• The current revenue split of the annual tag fee should also be adjusted to provide greater reimbursement to counties who do a larger share of the work in processing these tags on an annual basis. ACCG is not advocating for an increase in the tag fee on hard working Georgians, but rather a larger percentage of the amount already collected.
ISSUE: Funding for Mental Health Reform

BACKGROUND
Mental health is a topic that, in one way or another, affects the lives of every Georgian. Unfortunately in Georgia, those who face the worst mental health challenges are often unable to access the resources needed to address the magnitude of their situation. According to a recent study by Mental Health America, when it came to prevalence of mental illness within the state, Georgia ranked #4 out of 51 states. However, when it comes to mental health care access within the state, Georgia ranks #51 out of 51 states.

The two primary ways in which the state interacts with its mentally ill population are through hospitals and jails. While hospitals generally have the expertise to address the immediate needs of a mentally ill patient, they often do not have the room to house these patients and provide the long-term care and personalized care that many of them need. This means they face the possibility of being forced into a cycle where they constantly need emergency care to meet their needs. When hospitals are unable to provide long term care, worse events are more likely to take place such as mentally ill citizens becoming a danger to themselves or others. If this happens, they enter into the criminal justice system, which does not have the resources or oftentimes expertise necessary to meet the needs of this group. Georgia’s mentally ill citizens are often left with two choices: being underserved or criminalized.

COUNTY INTEREST
Counties have an imperative to serve all of their constituents, including those who are mentally ill. When counties serve the needs of their mentally ill population, they make all communities safer, healthier, and more prosperous. For instance, counties have enormous potential to shrink their public safety budgets by providing resources to mentally ill citizens before they enter the criminal justice system. Jails will also be less crowded which will reduce the burden on sheriffs and county police departments.

STATUS
Governor Kemp and Speaker of the House David Ralston both stated that mental health reform is a key priority for the 2022 legislative session of the Georgia General Assembly. Mental health reform legislation will come out of the Governor’s Georgia Behavioral Health Reform & Innovation Commission. This commission is chaired by Forsyth County Manager Kevin Tanner and is a coalition of bipartisan elected officials, police chiefs and sheriffs, judges, behavioral health and medical experts, advocates, education specialists, and relevant state officials. This commission has written a nearly 60 page bill that will be introduced during the 2022 legislative session. This major piece of legislation will address mental health reform concerning the criminal justice system, workforce challenges, education, and social services.

TALKING POINTS
• Georgia must help provide equal and adequate funding for mental health programs so that all counties can provide the resources necessary for their most vulnerable citizens.
• Local communities often feel the harshest effects from mental illness, therefore local governments should be equipped and aided in order to provide effective solutions.
• Mental health reform would generate enormous state and local savings. Mental health reform is not just a moral imperative, but fiscal responsibility.
ISSUE: Single County TSPLOST - Allow for Collection of Tax for Maximum Time Period

BACKGROUND
A Special Purpose Local Option Sales Tax (SPLOST) is a sales tax used to fund capital outlay projects proposed by the county government and municipal governments. Once a county is collecting a regular SPLOST, there is an option to levy a Transportation Special Purpose Local Option Sales Tax (TSPLOST). A TSPLOST is a sales tax that can only be used for transportation projects.

HB 170, which passed during the 2015 Session, created Single County TSPLOST. The first Single County TSPLOST was approved by voters in Fulton County in November 2016 and implemented in 2017. To date, there are 40 counties that have successfully passed a Single County TSPLOST referendum.

Current law allows Single County TSPLOST to be imposed for a maximum of up to five years, with the tax ending once the Department of Revenue has determined that the tax has reached the revenue amount estimated and specified on the ballot referendum.

STATUS
ACCG supports legislation allowing the sales tax from Single County TSPLOST to be collected for the full term specified on the ballot referendum. In order to collect for the full term, an intergovernmental agreement (IGA) between the county and the qualified cities must be in place and all funds collected would be spent on “transportation purposes” as specified in Georgia code.

TALKING POINTS
• An estimate is by definition “an approximate calculation or judgement of a number”.

• Allowing for the Single County TSPLOST to be collected for the maximum time period, and not tied to a revenue amount estimate, will add to the stability of the tax for the county’s citizens and business retailers.

• This flexibility is allowed in regular SPLOST law; therefore, this legislative alteration would establish uniformity amongst the two local option sales taxes.
2022 POLICY OBJECTIVES

ISSUE: DEVELOPMENT AUTHORITIES/PROPERTY TAX ABATEMENT
ACCG encourages the Georgia General Assembly to address the inequities that can occur when economic development incentives are used, including the use of “payments in lieu of taxes” (PILOT). When economic development incentives result in abatement of property taxes, the use of PILOTs and other legal mechanisms can lead to one local government recouping some or all of its lost property taxes while other local governments suffer the full impact of the abated taxes. ACCG requests that the General Assembly change state law to require a written confidential notice regarding proposed economic development projects be provided to the local taxing authorities directly impacted by a tax abatement. ACCG also urges the General Assembly to authorize a process for the local governing authority to remove development authority appointees. In addition, the rights of those who are allowed to have legal standing to participate in bond validation proceedings should be expanded to include local taxing authorities who are directly impacted by said bonds.

ISSUE: REFORM ANNEXATION DISPUTE RESOLUTION/ARBITRATION PROCESS
While annexation of unincorporated areas by municipalities may be appropriate, it may also be abused when its primary objectives are the expansion of the city tax base or to circumvent the county’s land use plan or zoning ordinance. These tactics may cause significant service delivery problems and negatively impact surrounding property owners and values. In hopes of resolving these problems, a uniform annexation arbitration/dispute resolution process was enacted by the 2007 General Assembly. While this process has slightly improved negotiations between cities and counties over controversial annexations, the law has not been changed in 14 years and improvements are needed to help ensure more fairness for unincorporated residents negatively impacted by adjacent, conflicting land uses. ACCG urges the General Assembly to pass legislation adopting the recommendations of the 2021 House Study Committee on Annexation pertaining to the improvement of Georgia’s annexation dispute resolution/arbitration process.

ISSUE: ALLOW COUNTIES THE OPTION TO REVISE PROCEDURES FOR CARRYING OUT STATE CORONER DUTIES
ACCG opposes amending Georgia’s Constitution to add any additional county elected officials as constitutional officers since this would unduly complicate relations with the county governing authority on such issues as contracting, purchasing, budgeting and other administrative matters. Rather than making coroners constitutional officers or fulltime employees with substantial statutory pay raises, as has been proposed in recent years, ACCG supports legislation authorizing county governing authorities to choose whether to continue having an elected office of coroner or to contract with or hire one or more individuals to carry out statutory coroner responsibilities.

ISSUE: EMERGENCY MEDICAL SERVICES (EMS) REFORMS

- Modernize the reimbursement system for Medicaid transports by removing the arbitrary rule that disallows reimbursement for the first 10 miles of vehicle transport and bring base rate for transports to the Medicare rate. Additionally, there must be reimbursement for EMS calls that do not result in transport. The EMS crew can often stabilize a patient, eliminating a trip to the ER or a re-admission to the hospital.

- Adopt permanent reciprocity for EMTs licensed in other states as long as they meet or exceed Georgia’s requirements.

- EMT-R Certification Requirements - The Department of Public Health recently adopted a rule that created a certification for an EMT- R, a position that can only drive the truck and cannot treat patients. ACCG urges DPH to consider adding the requirement that EMT-R’s start the EMT certification process within six months of receiving the EMT-R certification.
2022 POLICY OBJECTIVES

ISSUE: DISPOSAL AND REUSE OF BIOSOLIDS/DRINKING WATER PLANT RESIDUALS
ACCG encourages state and federal agencies to provide technical support, incentives and financial resources for the management, disposal, and beneficial reuse of biosolids and drinking water plant residuals.

ISSUE: 911 FEE INCREASE FOR NEXT GEN 911
Support the Georgia Emergency Communication Authority (GECA) in seeking an increase in the current 911 fee of $1.50 to $2.00 per line to fund Next Generation 911 and additional training. Any fee increase will be split equally between the local PSAPs and the Authority.

ISSUE: UPDATE SUPERIOR COURT JUDGES RETIREMENT PLAN
Update the Georgia Statute that references Superior Court Judges receiving 2/3 of their local supplement upon taking Senior Status. The statute is outdated and references an obsolete retirement plan that the Judicial Retirement System replaced.

ISSUE: PUBLIC NOTIFICATION OF TAX INCREASE
The tax increase notice required under the Taxpayer Bill of Rights has created great confusion about tax increases for the public. To promote public notification of tax increases, ACCG requests that the notification required by the Taxpayer Bill of Rights and the five-year history be replaced with one annual notification that is simple for the taxpayer to understand. Additionally, the General Assembly should consider exempting those local governments with “floating” homestead exemptions from compliance with these additional notification steps, in the same manner as the General Assembly has exempted the City of Atlanta.

ISSUE: RIGHT-OF-WAY OCCUPANCY FEE
Cities are legally permitted to charge utility providers a franchise fee. Unlike cities, counties are not legally permitted to charge utilities (other than cable companies) a franchise fee for locating in their right-of-way. Instead, utilities have access to the county right-of-way completely free of charge. To take the burden of utility relocation off property taxpayers and require utilities to pay for their “costs of doing business,” ACCG asks the General Assembly to allow counties the option to levy a right-of-way rental or usage fee on utility services to compensate counties for costs associated with providing utilities access to public rights-of-way. In addition, ACCG asks the General Assembly to eliminate the current franchise fees and taxes on telecommunication service providers and replace these revenues with a local telecommunications excise tax. The local revenues should be split between the counties and the cities based upon a population formula.

FEDERAL

ISSUE: FEDERAL INMATE EXCLUSION POLICY
ACCG requests that the federal government allow federal benefits such as Medicaid, Veterans Affairs, and the Children’s Health Insurance Program (CHIP) to remain active for eligible inmates / detainees in local jails pre-adjudication. Federal law prohibits the use of federal funds and services for medical care provided to “inmates of a public institution.” The federal law does not differentiate between a convicted inmate or a person incarcerated prior to conviction. The “Medicaid Inmate Exclusion Policy” should be rescinded for those awaiting trial that have not been convicted. Those accused should not lose their federal health benefits until the adjudication process is complete for those individuals in a pretrial status. This policy creates a financial burden for counties and adds to the behavioral and mental health crises our communities are experiencing.
ACCG GUIDING PRINCIPLES

LOCAL ISSUES
ACCG provides a common platform that allows counties to maximize their legislative influence by making requests of the General Assembly and Congress through a unified effort. Through ACCG’s policy development process, a policy platform is adopted, containing issues of significant importance to all counties or a reasonable portion of them. ACCG will not become directly involved in lobbying local legislation or general legislation that is drafted to affect only one county. ACCG will, however, notify the affected county of the pending legislation and will, at the request of the county, provide technical assistance. ACCG urges members of the General Assembly to refrain from passing this type of legislation without the support of the county governing authority. Where legislation will benefit some counties at the expense of others, ACCG will notify all counties of the potential benefits and consequences of the legislation but will not take a position.

HOME RULE
Home rule is the right of the people to determine and implement a public policy at the grassroots level. Home rule power is conferred on Georgia counties by Article IX, Section II, Paragraph I of the Georgia Constitution. Local governing authorities have the power to adopt ordinances, resolutions, or regulations relating to its property, affairs, and local government, as long as they are not inconsistent with state law or the Georgia Constitution. Although state laws may define minimum standards, they should not preempt counties from passing ordinances that establish a more stringent standard for their communities. The preservation of administrative and fiscal home rule authority allows counties to develop and implement community-based solutions to local problems. ACCG believes that counties, as the government closest to the people, are the most appropriate authority to serve the needs and requirements of the community.

COST SHIFTING
A state directive that compels local governments to provide a service, program, or benefit without providing the appropriate monies or a funding source is regarded as an unfunded mandate. County officials recognize that some state mandates are justified because they achieve agreed upon statewide policy goals. However, many, if not most, mandates on counties are imposed without the consensus of local governments or the resources necessary for their implementation. Mandates shift costs to local property taxpayers, financially drain county governments, and impede a county’s ability to adequately deliver the fundamental services required by law. Mandates also compromise a county’s ability to provide discretionary services requested by the local community. ACCG opposes any state or federal actions that limit the ability of local elected officials to make fiscal and public policy decisions for the citizens they represent. Furthermore, counties support the establishment of an agreed upon course of action whereby state and county elected officials deliberatively evaluate the appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.

LOCAL REVENUES
To provide services requested by the local community or required by the state, counties need an adequate stable revenue source that is diverse and fairly spreads the tax burden across the residents of the county. State-determined restrictions on local revenues hinder a local community’s ability to establish a revenue structure that fairly distributes the financial burdens of local government to all
citizens of the county based on the unique characteristics of the county. When new state laws or annexation erodes a portion of the local revenue base, county commissioners must shift the tax burden to other residents or reduce the level of county services provided. Politically, neither of these choices is popular. The decision to tax should occur at the same level of government where the decision is made to enact a new service or enhance an existing service. Local governments should have an equal share of flexibility and control over both revenues and expenditures as they are directly linked.

SERVICE DELIVERY
To help create and maintain the quality of life desired by the residents of a community, counties should be given the flexibility to create new services, expand existing services, or discontinue a service. If a service is funded partially or fully using county revenues, then the county governing authority should have a level of control over the service commensurate to its share of the funding. Local government services in the unincorporated areas should be provided solely at the discretion of the county governing authority and such services should not be disrupted by annexation. Service delivery responsibilities within the incorporated areas of the county should be determined jointly with the city. When the state wishes to provide services locally, they should coordinate with the counties to determine the most efficient method of service delivery and funding of the service.

LAND USE
County officials must have the ability to make reasonable decisions for zoning, comprehensive planning, and infrastructure issues to ensure that the local community grows and develops in a way that adds value to the community and improves the quality of life for all residents. This includes a county’s right to adopt local land use and other environmental regulations to protect its unique natural resources and vision for the community. Citizens expect the county commission to exercise its ability to manage and direct growth without being subjected to prohibitive claims for damages for infringement on private property rights. Likewise, county land use decisions should not be thwarted by municipal annexations. Locally elected officials are in the best position to balance the rights of individual property owners with the rights and wishes of all property owners within a county.

STATE/COUNTY PARTNERSHIP
Counties were created to function as local subdivisions of the state. To tailor services to the needs of the different geographic and demographic areas of the state, decision making power must be granted to locally elected representatives. The state sets general parameters, including minimum standards and levels of service, then local officials should decide what additional services and enhancements the local community desires. The state and its local county subdivisions must work in tandem to improve the quality of life for all Georgia residents. To facilitate this partnership the state should:

- Fully fund state services and not require or attempt to coerce counties into subsidizing the service.
- Provide support (i.e., funding and technical assistance) to attain a minimum level and standard of services needed statewide (i.e., crime information center, crime lab, utility assessments, training public safety officers, establishing uniform assessment procedures and transportation improvements).
WAYS TO EFFECTIVELY ENGAGE YOUR LEGISLATORS

1. MAKE SURE YOU HAVE YOUR LEGISLATORS’ CONTACT INFORMATION SHOULD YOU NEED TO REACH THEM ON SHORT NOTICE.

2. INVITE YOUR LEGISLATORS TO ATTEND YOUR COUNTY COMMISSION MEETINGS AND TOUR YOUR COUNTY FACILITIES.

3. MAKE SURE TO THANK YOUR LEGISLATORS FOR THEIR POSITIVE EFFORTS ON BEHALF OF YOUR COUNTY.

4. REMAIN CORDIAL WHEN DISCUSSING YOUR CONCERNS WITH, OR OPPOSITION TO, PENDING LEGISLATION IN ORDER TO MAINTAIN GOOD WORKING RELATIONSHIPS WITH YOUR LEGISLATORS.

5. MEET WITH YOUR LEGISLATORS, BEFORE AND DURING THE SESSION, TO REVIEW THE LEGISLATIVE TOOLKIT AND TO DISCUSS BILLS THAT IMPACT YOUR COUNTY.

6. MEET PERIODICALLY WITH YOUR LEGISLATORS FOR BRIEFINGS ON CURRENT ISSUES.
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POLICY COMMUNICATION TOOLS
STAY UP TO DATE ON THE LATEST ACCG POLICY NEWS

WEEKLY LEGISLATIVE UPDATES

Published and emailed every Friday during the legislative session, the Legislative Update is the weekly report that helps keep county officials informed about the various issues moving through the General Assembly.

Contact Schuyler Harding (sharding@accg.org) if you would like to receive this publication.

ACTION ALERTS

ACCG will periodically release Action Alerts regarding issues that require immediate action from county officials. The Action Alerts will include background information on the issue as well as talking points that county officials can use when speaking to their legislators.

LIVE UPDATES OVER ZOOM

Join the policy team every Friday at 9:00 a.m. for the Facebook Live Legislative Update via Zoom. Be sure to tune in for weekly recaps of what took place under the Gold Dome. Recordings of the update will be made available on the official ACCG Facebook page (ACCG Georgia Counties/@gacounty).

TWITTER

Follow us on Twitter (@GACounty) as we’ll share real-time information and updates from the Capitol as various events take place.
Save the Date

MARCH 9, 2022

2022 ACCG LEGISLATIVE BREAKFAST