

2021 ACCG LEGISLATIVE TOOLKIT

A GUIDE TO THE 2021 LEGISLATIVE SESSION

TABLE OF CONTENTS

ACCG Policy Staff and Policy Council	1
A Message from the ACCG President	2
Legislative Priority Briefs	
Funding Broadband Deployment in Georgia.	3
Georgia’s Voting Equipment, COVID-19, and Improved Elections	4
Increase Reimbursement for EMS Services	6
ACCG Policy Objectives	7
ACCG Guiding Principles	9
Ways to Engage Legislators.	11
Policy Communication Tools	12

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ACCG President

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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. As recent times have proven to be uncertain, it is the solid foundation established by strong partnerships with all players in Georgia's local government arena that keep things forging ahead. We look to ACCG's previous successes under the Gold Dome through a lens of optimism for what the upcoming session of the General Assembly holds.

For the seventh 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 2021 ACCG Legislative Toolkit includes a policy brief on the association's top three legislative priorities and an outline of the Policy Objectives and Guiding Principles – all of 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 2021 are Funding Broadband Deployment in Georgia, Election Law Revisions, and Increase Reimbursement Fees for EMS Services. The enclosed Legislative Priority policy briefs include more detail on each issue including background information as it pertains to county governments, the status of the issue, and talking points. As there are several issues which impact counties that will arise during the session, ACCG has also outlined its list of Policy Objectives – other significant items it 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 making decisions 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,

Johnny Davis

ACCG President and Jefferson County Commissioner



ISSUE: Funding Broadband Deployment in Georgia

BACKGROUND

ACCG has worked with the state in recent years to adopt several laws and policies to enhance broadband access to all Georgians. The 2018 creation of the [Georgia Broadband Deployment Initiative](#) provides the blueprint for expanding broadband access through the creation of state and local broadband planning policies, initiating detailed mapping of unserved and underserved areas in the state, and coordinating funding sources. One component of this initiative is a state grant and loan program to assist in expediting broadband expansion. To date, this program has not been funded.

COUNTY INTEREST

Counties recognize the vital importance of expanding affordable, reliable, and enhanced broadband access throughout Georgia. High-speed internet is necessary for connectivity to jobs, education, healthcare, and, overall, impacts one's quality of life. The COVID-19 pandemic has illuminated the significant need for broadband access as more employees and students are working remotely. Its importance has never been more clearly demonstrated.

STATUS

ACCG requests that the State allocate funding to the Georgia Broadband Deployment Initiative to expand broadband access throughout the state. The framework for grants and loans to be administered already exists through the Initiative. State appropriations to this program would help eligible local governments and their private sector partners provide broadband services to unserved and underserved areas. Furthermore, ACCG supports authorizing local development authorities to issue revenue bonds to fund broadband infrastructure.

TALKING POINTS

- Government investment is needed as private providers have found that serving the less-dense, rural areas is not profitable; therefore, rural areas are likely to lag behind more urban areas in broadband deployment.
- The Georgia Broadband Deployment Initiative includes the development of the [Georgia Broadband Availability Map](#) which found that around 31% of rural Georgia is unserved, with 26 rural counties having greater than 50% unserved areas. The Georgia Broadband Availability Map should be referenced to prioritize where funding is allocated.
- State appropriations to the Georgia Broadband Deployment Initiative's grant and loan program would make an impact in closing the digital divide.





ISSUE: Georgia's Voting Equipment, COVID-19, and Improved Elections

BACKGROUND

In 2018, the General Assembly passed legislation which replaced Georgia's dated voting equipment. ACCG commends the state for also providing the funding to purchase and deploy new voting machines statewide.

COUNTY INTEREST

Georgia's counties are ultimately responsible for funding and conducting elections for federal, state and county offices and referendums in the state. Counties have learned valuable lessons from having implemented the state's new voting system; conducting elections during the 2020 COVID-19 pandemic; and the effects both have had on proper social distancing, securing adequate polling personnel and locations, effectively administering an expanded absentee ballot voting process, and conducting successful elections overall. This experience has shown that election processes can continue to be improved.

STATUS

Each legislative session, numerous bills are introduced to alter and/or improve upon the state's evolving election process. ACCG has been very active in making recommendations on such legislation and will continue to do so to ensure an enhanced and fair voting experience that is economically and administratively feasible for counties and local taxpayers. The association also encourages the state to continue working with, and providing funding to, counties to adequately train local election officials and the public on the use of the new technology; keep the equipment's software, warranties and maintenance updated; and ensure the machines' replacement, when necessary.

TALKING POINTS

Following the recommendations of an [ACCG 2020 Elections Subcommittee](#), the association supports changes in state law to:

- Provide counties the flexibility to reduce the 1/250 ratio (voting machine per registered voter, per precinct) during non-general elections, recognizing that not every election is the same.
- Remove references to old direct-recording electronic (DRE) voting equipment, which is no longer used.
- Synchronize federal and state registration deadlines for Georgia's primary runoff election.
- Allow voters the option to provide a photocopy of their ID with their absentee ballot, as a backup, in order to prevent their absentee ballot from being rejected due to a signature mismatch.
- Allow persons to serve as poll workers outside of the county in which they live or are employed, so long as safeguards are incorporated to help ensure that this does not have the unintended consequence of draining other counties' poll worker recruitment pools.

TALKING POINTS (CONT.)

- Revise the deadline by which counties must receive/accept absentee ballot applications in order to better ensure that voters' absentee ballots will be processed, mailed, completed and returned by the voter, received and counted.
- Authorize counties to begin scanning absentee ballots on the third Monday prior to an election.
- Allow counties to have the option of employing absentee ballot drop boxes for future elections.
- Authorize counties to establish vote centers on election day.





ISSUE: Increase Reimbursement for EMS Services

BACKGROUND

The emergency medical service (EMS) community provides the first hands-on medical response to Georgians in need, whether provided by a county fire or EMS department, a hospital-based service, or a contracted private provider.

COUNTY INTEREST

Counties must invest in EMS and its personnel to provide the highest quality of care to their residents. The challenges of the COVID-19 pandemic have made it imperative for the General Assembly to consider all issues relating to EMS, especially reimbursement of costs, and how to best support local EMS service providers as their role continues to evolve and change.

STATUS

ACCG is partnering with the State Emergency Medical Services Advisory Council (EMSAC), the EMS Association and other stakeholders to advocate for changes in statute and the Department of Community Health Policies and Procedures to overcome barriers to consistent and timely reimbursement.



TALKING POINTS

- ACCG requests that the reimbursement rate for providing treatment in place more adequately reflect the cost of providing the service. There has been a significant increase in the number of calls because of COVID-19 and the fear patients have of going to the hospital. EMS personnel frequently provide treatment in place without transporting the patient to a facility. Medical services provided in the field without transport have a maximum reimbursement rate of \$48.00, that amount does not represent the true costs of providing the service.
- Adopt all Medicaid/Medicare codes for emergency medical transport and correct all conflicts and errors in the CMS Manual. The Centers for Medicare & Medicaid Services (CMS) Manual has not been updated with correct coding for billing of services. This is especially important for Medicare Replacement Plans, as many of the bills are submitted with errors which result in frequent denials of claims. The Department of Community Health must adopt all Medicaid codes for emergency medical transport and correct all conflicts and errors in the CMS Manual.
- Reimburse EMS services for the first 10 miles of transport. Current policy at the Department of Community health does not allow for reimbursement for the first 10 miles of transport. ACCG urges a change in policy that will allow reimbursement of licensed ambulance services at the Medicaid rates, including transportation payment for the first 10 miles.
- Use EMS license fees to increase Medicaid reimbursement rates. EMS license fees should continue to be utilized to increase Medicaid reimbursement rates for ambulance services, and efforts to utilize Upper Limit Payments for all providers should continue.
- Assist local EMS services in acquiring adequate Personal Protective Equipment (PPE) supplies EMS Personnel. Many local EMS services need assistance from the state to acquire these supplies that will ensure these front line medical personnel are protected as they serve the public during the pandemic.

2021 POLICY OBJECTIVES

ISSUE: Authorize Public Hearings via Teleconference

To properly address social distancing and other safeguards during the COVID-19 epidemic (an emergency situation), many counties successfully held public meetings by teleconference - as is authorized in the Open Meetings Act. However, counties remain uncertain of the legality of holding various public hearings by teleconference. The result has been that many public hearings, and attendant county actions, have been delayed indefinitely. ACCG first requests that the Georgia Attorney General (AG) provide an opinion as to whether holding public hearings via a teleconference is authorized by state law. Absent an AG opinion, or an opinion that this is not legal, ACCG asks the General Assembly to amend the Open Meetings Act to authorize counties to hold public hearings by teleconference during emergency situations, provided that the public is afforded the opportunity to participate and provide input at the hearing.

ISSUE: Business and Redevelopment Incentives

Enhancing Georgia's competitive position in the global market is crucial to economic development in counties. ACCG supports targeted state incentives to promote business development and recruit companies to the state. ACCG supports extending the jobs tax credit program (or other state-led incentives) to disaster-impacted businesses that rebuild in counties declared a "Federally Declared Disaster Area" and supports flexibility in use of said incentives to businesses impacted by the COVID-19 pandemic.

ISSUE: Redirection of Environmental Trust Fund Fees

The Georgia General Assembly should appropriate fees and revenues collected for the Hazardous Waste Trust Fund (HWTF) and the Solid Waste Trust Fund (SWTF) for their intended use. ACCG has long advocated for the General Assembly to dedicate statutorily intended fees to the HWTF and the SWTF as these funds support such efforts as the clean-up of abandoned contaminated sites, leaking landfills, scrap tire piles and illegal dumps. Funds also go towards waste reduction and recycling programs. Regrettably, for the past 10 years, over 60 percent of the HWTF fees and SWTF fees have been redirected to the state's General Fund to be spent on other purposes.

A constitutional amendment on the November 2020 ballot asks voters to grant authority to the Georgia General Assembly to establish, by statute, true and dedicated trust funds whereby fees collected for a specific purpose must go to that purpose rather than be redirected to the state's General fund. Should the Constitutional Amendment receive voter approval, ACCG urges the Georgia General Assembly to pass legislation to truly dedicate intended fees to the Hazardous Waste Trust Fund and the Solid Waste Trust Fund.

ISSUE: Authorize Judges to Conduct Certain Proceedings via Video Conferencing



There are extreme backlogs in all levels of court due to the COVID-19 Pandemic. New technologies and business processes will be critical for the judicial system to recover and perform more efficiently and safely. Allowing certain proceedings via videoconferencing will ensure access to justice; save valuable time and resources for sheriff's departments; and public defender offices and private counsel access to their clients without traveling to the Jail. Additionally, transporting offenders for production orders can place public safety and court officials at risk.

Legislation with clear guidance on conducting video conferencing for court hearings is critical to the judicial system and our correctional facilities and staff.

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.

2021 POLICY OBJECTIVES

ISSUE: Short Term Rentals

The new “sharing economy” is significantly disrupting a number of industries, including the hotel/motel industry. It is not practical to rely on the private individuals renting out their extra space to register and collect hotel/motel taxes that are due on these rentals. Additionally, it is impractical to expect local governments to effectively track such rentals and enforce those payment obligations. To ensure the taxes due on such services are collected properly and efficiently, ACCG asks the General Assembly to require any business that provides an online or other platform providing short-term rentals to collect and remit hotel/motel taxes to the relevant local jurisdictions.

FEDERAL

ISSUE: Medicaid/Medicare/Federal Benefit Inmate Exclusion

ACCG requests the federal government to allow Medicaid/Medicare coverage and other federal benefits for eligible inmates/detainees in local jails pre-adjudication and for hospital stays of more than 24 hours post adjudication. The inmate exception rule must be rescinded for those awaiting trial that have not been convicted. Those accused should not lose their Medicaid/Medicare/Federal benefits until the adjudication process is complete for those individuals in a pretrial status.

ISSUE: Infrastructure Investment / Truck Weight Increases

Counties play a critical role in our state’s transportation system with local governments owning and maintaining 80 percent of all public roads in Georgia. ACCG encourages Congress to allocate funding for locally owned public infrastructure, which includes surface transportation projects, bridges, transit systems and airports and involve local governments in the decision-making process. In addition, ACCG urges Congress to refrain from passing legislation that increases allowable weight limits on local roads and bridges. Increasing the weight limits contributes to the rapid deterioration of local road and bridge infrastructure.



ISSUE: Broadband/Telecommunications

ACCG recognizes the critical importance of, and fully supports, expanding affordable broadband access throughout Georgia and stands ready to work with our federal, state and industry partners to facilitate this deployment. ACCG supports federal grant and loan programs in order to help eligible local governments and their private sector partners provide broadband services to unserved and underserved areas. While accommodating broadband equipment in the public’s right of way (ROW) may play a critical role in enhancing broadband connectivity, counties must maintain their ability to balance this access with their role of protecting the public health, safety and welfare and managing the taxpayer’s ROW investment. Accordingly, ACCG opposes any federal legislation or rules which further preempt or otherwise diminish counties’ ability to regulate their community’s ROW and land use.



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

ACCG GUIDING PRINCIPLES

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

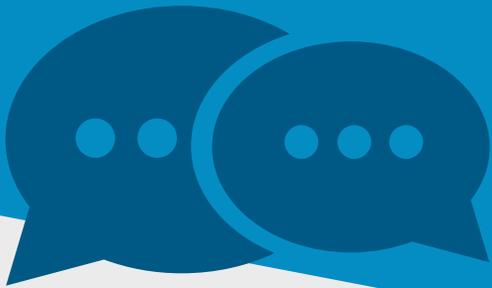
County officials must have the ability to make reasonable decisions for zoning, comprehensive planning, and infrastructure issues to ensure that the local community grows and develops in a way that adds value to the community and improves the quality of life for all residents. This includes a county's 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).

6 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.



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.

FACEBOOK LIVE

Tune in every Friday at 8:30 a.m. for the Facebook Live Legislative Update. Join the policy team as they provide weekly recaps of what took place under the Gold Dome. Be sure to like the official ACCG Facebook page ([@ACCG Georgia Counties/@gacounty](https://www.facebook.com/ACCGGeorgiaCounties)) to join the conversation.

TWITTER

Follow us on Twitter ([@GACounty](https://twitter.com/GACounty)) as we'll share real-time information and updates from the Capitol as various events take place.

ACCG POLICY COMMITTEES

Join One Today



GET ACTIVELY ENGAGED IN THE POLICY DEVELOPMENT PROCESS.

ACCG has seven standing policy committees:

- Economic Development and Transportation
- General County Government
- Health and Human Services
- Natural Resources and the Environment
- Public Safety and the Courts
- Revenue and Finance
- Federal Committee

**MEMBERSHIP IS OPEN TO ALL AND YOUR INPUT IS NEEDED TO HELP
SHAPE ACCG'S POLICY POSITIONS.**

Visit accg.org/policy_resources.php for more information.



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