

STATE OF GEORGIA
COUNTY OF FULTON

RESOLUTION TO APPROVE THE NORTH FULTON MUNICIPAL ASSOCIATION'S ("NFMA") RESOLUTION STATING ITS OPPOSITION TO THE USE OF FULTON COUNTY GENERAL FUND MONEY ON SOCIAL SERVICE DISTRICT OPERATIONS AND SERVICE SUCH AS TRNSFERRING THE NET REVENUE GENERATED FROM TRAFFIC CITATIONS ISSUED BY THE FULTON COUNTY POLICE DEPARTMENT WITHING THE GEOGRAPHICAL BOUNDARIES OF THE SOUTH FULTON SPECIAL SERVICES DISTRICT TO THE SOUTH FULTON SPECIAL SERVICE DISTRICT FUND AND AUTHORIZE THE MAYOR TO PROCEED TO GO FORWARD WITH THE RESOUTION'S TERMS

WHEREAS, although state law allows funding of special service districts to be paid only by the residents and inhabitants of these districts and although memoranda have been prepared by the Fulton County Attorney's office advising that pursuant to the Georgia Service Delivery Strategy Act (O.C.G.A. 36-70-20, et seq.), the Fulton County Commission cannot deposit traffic fine ticket monies and forfeitures into the Special Services District Fund, it appears the Commission has ignored this legal advice and is acting contrary thereto as described in the attached NFMA Resolution; and

WHEREAS, further, although a 2005 amendment to the Georgia Service Delivery Strategy Act also requires indirect cost analysis studies be performed in a timely manner each year, Fulton County has not completed these analyses for 2007 and 2008 and failed to keep the necessary and appropriate records in order to complete the 2006 analysis; and

WHEREAS, as a result of the above, the NFMA approved the attached Resolution to direct the Fulton County Board of Commissioners to refrain from using funds from the Fulton County General Fund for any purposes not already approved by the state legislature; and

WHEREAS, the NFMA agreed that the Council of each city would be asked to approve the Resolution and authorize its Mayor to go forward with the Resolution's terms;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANDY SPRINGS, GEORGIA, AND IT IS RESOLVED BY THE AUTHORITY OF SAID CITY COUNCIL AS FOLLOWS:

The attached NFMA Resolution is hereby heartily approved as to all of its terms and the Honorable Mayor of the City of Sandy Springs is hereby authorized to go forward with the terms thereof.

RESOLVED, this 15th day of December, 2009.

Approved:



Eva Galambos, Mayor

Attest:


Michael Casey, City Clerk
(Seal)



A RESOLUTION STATING THE NORTH FULTON MUNICIPAL ASSOCIATION'S OPPOSITION TO THE USE OF FULTON COUNTY GENERAL FUND MONEY ON SPECIAL SERVICE DISTRICT OPERATIONS AND SERVICES SUCH AS TRANSFERRING THE NET REVENUE GENERATED FROM TRAFFIC CITATIONS ISSUED BY THE FULTON COUNTY POLICE DEPARTMENT WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE SOUTH FULTON SPECIAL SERVICES DISTRICT TO THE SOUTH FULTON SPECIAL SERVICES DISTRICT FUND

WHEREAS, the Georgia Delivery Strategy Act (O.C.G.A. § 36-70-24) states that funding for special service districts created by the county shall be paid by the residents and inhabitants of that special service district; and

WHEREAS, the Georgia Service Delivery Strategy Act says that all County services which have a service area limited to a specific unincorporated area shall be funded by the residents of that unincorporated area; and

WHEREAS, on November 4, 2009 the Board of Commissioners of Fulton County passed a resolution directing the County Manager to place the net revenues (i.e., funds remaining after the payment of mandatory fees into the General Fund) from the traffic citations issued in unincorporated South Fulton County into the South Fulton Special Services District Fund; and

WHEREAS, the Board of Commissioners of Fulton County included in the aforementioned resolution that the transfer of net revenues shall be retroactive to January 1, 2007 and directed the County Manager to amend the budget to allow such transfer to the South Fulton Special Services District Fund; and

WHEREAS, on December 19, 2003, Fulton County attorney Brantley, drafted an inter-office memorandum regarding whether there is any County ordinance or other legal requirement that would preclude some portion of traffic ticket fines from being deposited in the Special Services District Fund; and

WHEREAS, in the aforementioned inter-office memorandum Fulton County attorney Brantley concluded that the County is precluded from depositing traffic ticket fines and forfeitures into the Special Services District Fund; and

WHEREAS, on July 1, 2009, Fulton County attorney David Ware, drafted a memorandum discussing whether traffic court fees and fines collected or generated from the South Fulton Tax District that are deposited into the County's general fund, may be transferred to the South Fulton Tax District after the mandatory fees and costs have been paid; and

WHEREAS, Fulton County attorney David Ware said in his memorandum that such fines and fees must be placed in the County's general fund and be used only for general fund purposes. He further stated that without a further amendment to state law the transfer of general fund money generated from traffic fines to the South Fulton Tax District would be illegal and improper; and

WHEREAS, Fulton County is currently using money from the public works budget of the Fulton County General fund to finance the Commissioner Edwards and Sheriff Environmental Effort (C.E.A.S.E.) inmate work program which serves only unincorporated South Fulton County and which was not created by the Fulton County Board of Commissioners; and

WHEREAS, a 2005 amendment to the Georgia Service Delivery Strategy Act requires Indirect Cost Analysis Studies to be performed in a timely manner each year; and

WHEREAS, Fulton County has not complied with the 2005 amendment by failing to keep the appropriate records needed to complete the statutory requirements as indicated in the Fulton County Indirect Cost Analysis Study of 2006; and

WHEREAS, Fulton County has not completed Indirect Cost Analysis Studies for fiscal years 2007 and 2008; and

WHEREAS, Fulton County police expenses are being paid from the Fulton County General Fund yet the incorporated areas of North Fulton County are not receiving the benefit of this since there is no Fulton County police presence in the incorporated areas of North Fulton County; and

WHEREAS, Fulton County currently uses Local Option Sales Tax (L.O.S.T.) money in the Special Service Districts in South Fulton County; and

WHEREAS, Fulton County uses Fulton County General Fund money for subdivision street paving in South Fulton County; and

WHEREAS, Fulton County is acting in contravention to state law (2005 amendment to the Georgia Service Delivery Strategy Act) by using both L.O.S.T. and Fulton County General Fund money for subdivision street repairs in South Fulton County.

NOW, THEREFORE, BE IT RESOLVED, that the North Fulton Municipal Association hereby directs the Board of Commissioners of Fulton County to refrain from using any funds from the Fulton County General Fund for any and all activities and/or projects in South Fulton County that have not already been approved by the state legislature; and

BE IT FURTHER RESOLVED, that the Mayor and City Council of each city represented herein desire to approve this resolution; and

BE IT FURTHER RESOLVED, that the Mayors for each city represented herein are authorized to go forward with the terms of this resolution; and

BE IT FURTHER RESOLVED, that the North Fulton Municipal Association directs each member City's representative to the City and County Service Delivery Strategy to oppose any Fulton county strategy that uses County general fund money to fund special service districts' services and operations or any other services that are exclusively or inequitably provided to the unincorporated portion of the County; and

BE IT FURTHER RESOLVED, that the North Fulton Municipal Association hereby directs the Board of Commissioners of Fulton County to reallocate an amount equal to the aforementioned improper and unauthorized expenditures and allocations back to the Fulton County General Fund in order to remedy such proscribed acts; and

BE IT FURTHER RESOLVED, that the North Fulton Municipal Association hereby urges all city representatives from central and south Fulton County to adopt a similar resolution opposing Fulton County's use of general funds for special service districts' services and operations.

SO RESOLVED this ____ day of _____, 2009.

Approved:

NORTH FULTON MUNICIPAL ASSOCIATION

Mayor Eva Galambos, Chair