



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item Substitute

**File #:** 2021-3279  
**File Status:** Action

12/21/2021

**Public Hearing:** YES  NO

**Department:** Board of Commissioners

**SUBJECT:**

**Commission District(s):** All Districts

A Resolution of the Governing Authority of DeKalb County, Georgia, Requesting that the General Assembly Work to Support Legislation that Allows for Repayment Provisions within Municipal Annexation Agreements

**Information Contact:** John W. Manson IV

**Phone Number:** 404-371-6207

**PURPOSE:**

In instances where a municipality seeks to annex land previously owned by the County, this land may fall within boundaries in which long-term planning and/or recent and substantial infrastructure improvements have been made by the County. This legislation seeks to develop a means by which municipalities that annex land from a county within the State are required to remit compensation to the county for the amount in which extensive long-term planning and/or recent infrastructure improvements were made by the county.

**NEED/IMPACT:**

To adopt the resolution

**FISCAL IMPACT:**

None;

**RECOMMENDATION:**

To approve the resolution and authorize the chief executive officer to execute all necessary documents.....

**RESOLUTION****A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, REQUESTING THE GENERAL ASSEMBLY WORK TO SUPPORT LEGISLATION THAT ALLOWS FOR REPAYMENT PROVISIONS WITHIN MUNICIPAL ANNEXATION AGREEMENTS AND FOR OTHER LAWFUL PURPOSES**

**WHEREAS**, the Governing Authority of DeKalb County requests that the General Assembly work to support legislation that allow for repayment provisions within municipal annexation agreements; and

**WHEREAS**, Counties and municipalities should be able to influence development on their fringe and assure that it meets sound principles of land-use and planning to assure the protection of the public's health, safety, and welfare; and

**WHEREAS**, DeKalb County seeks to continually create and maintain infrastructure to support its residents and existing businesses, attract new businesses, and provide services that increase the overall quality of life for all its residents; and

**WHEREAS**, to assist in the creation and maintenance of infrastructure to support its residents and businesses, DeKalb County frequently performs long-range planning functions, including, but not limited to, the review of and studies focused on future stormwater, transportation, and zoning planning; and

**WHEREAS**, whenever DeKalb County performs long-range planning functions or infrastructure improvements are made by the County within its boundaries, the County and its residents directly benefit from the rendering of those services; and

**WHEREAS**, a municipality may annex land that falls within the County's unincorporated boundaries where the proposed annexed land is the focus of recent long-range planning functions and/or includes recent and substantial infrastructure improvements made by the County; and

**WHEREAS**, there should be mechanisms whereby municipalities that annex land from a county within the State are required to remit compensation to the county for the amount in which recent infrastructure improvements and/or long-range planning functions were performed by the county; and

**WHEREAS**, this recoument and repayment of public funds would be equitable to the county which originally funded the infrastructure improvements and/or long-range planning functions, within a reasonable time frame of the date of annexation; and

**WHEREAS**, DeKalb County has exhibited a keen interest in annexation reform in recent legislative sessions of the General Assembly; in 2020 the County submitted an urging resolution which resulted in HR222 and the formation of a study committee to review annexation reform; and

**WHEREAS**, annexation reform is relevant to all counties in the State, as well as states nationwide, such as Texas, who have passed annexation reform measures in recent legislative sessions.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Authority of DeKalb County, Georgia hereby requests that:

1. The General Assembly develop a means by which municipalities that annex land from a county within the State are required to remit compensation to the county for the amount in which recent infrastructure improvements and/or long-range planning functions were performed by the county; and,
2. This provision applies to infrastructure improvements and/or long-range planning functions performed by the county within five (5) years of the date of municipal annexation, become due and payable to the county and shall be collected by it; and,
3. The Executive Assistant or his designee deliver a copy of this Resolution to each member of the Georgia General Assembly representing a portion of DeKalb County.

**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_ day of \_\_\_\_\_, 2021.

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**STEPHEN R. BRADSHAW**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_ day of \_\_\_\_\_, 2021.

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**MICHAEL L. THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:

APPROVED AS TO FORM:

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**BARBARA SANDERS-NORWOOD, CCC**

Clerk to the Board of Commissioners  
and Chief Executive Officer  
DeKalb County, Georgia

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**VIVIANE H. ERNSTES**

County Attorney  
DeKalb County, Georgia

**RESOLUTION**

**A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, REQUESTING THE GENERAL ASSEMBLY WORK TO SUPPORT LEGISLATION THAT ALLOWS FOR CLAWBACK-REPAYMENT PROVISIONS WITHIN MUNICIPAL ANNEXATION AGREEMENTS AND FOR OTHER LAWFUL PURPOSES**

**WHEREAS**, the Governing Authority of DeKalb County requests that the General Assembly work to support legislation that allow for clawback-repayment provisions within municipal annexation agreements; and

**WHEREAS**, Counties and municipalities should be able to influence development on their fringe and assure that it meets sound principles of land-use and planning to assure the protection of the public's health, safety, and welfare; and

**WHEREAS**, DeKalb County seeks to continually create and maintain infrastructure to support its residents and existing businesses, attract new businesses, and provide services that increase the overall quality of life for all its residents; and

**WHEREAS**, to assist in the creation and maintenance of infrastructure to support its residents and businesses, DeKalb County frequently performs long-range planning functions, including, but not limited to, the review of and studies focused on future stormwater, transportation, and zoning planning; and

**WHEREAS**, whenever DeKalb County performs long-range planning functions or infrastructure improvements are made by the County within its boundaries, the County and its residents directly benefit from the rendering of those services; and

**WHEREAS**, a municipality may annex land that falls within the County's unincorporated boundaries where the proposed annexed land is the focus of recent long-range planning functions and/or includes recent and substantial infrastructure improvements made by the County; and

**WHEREAS**, there should be mechanisms whereby municipalities that annex land from a county within the State are required to remit compensation to the county for the amount in which recent infrastructure improvements and/or long-range planning functions were performed by the county; and

**WHEREAS**, this recoupment and repayment~~“clawback”~~ of public funds would be equitable to the county which originally funded the infrastructure improvements and/or long-range planning functions, within a reasonable time frame of the date of annexation; and

**WHEREAS**, DeKalb County has exhibited a keen interest in annexation reform in recent legislative sessions of the General Assembly; in 2020 the County submitted an urging resolution which resulted in HR222 and the formation of a study committee to review annexation reform; and

**WHEREAS**, annexation reform is relevant to all counties in the State, as well as states nationwide, such as Texas, who have passed annexation reform measures in recent legislative sessions.

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**ADOPTED** by the DeKalb County Board of Commissioners, this \_\_\_ day of \_\_\_\_\_, 2021.

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**STEPHEN R. BRADSHAW**  
Presiding Officer  
Board of Commissioners  
DeKalb County, Georgia

**APPROVED** by the Chief Executive Officer of DeKalb County, this \_\_\_ day of \_\_\_\_\_, 2021.

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**MICHAEL L. THURMOND**  
Chief Executive Officer  
DeKalb County, Georgia

ATTEST:

APPROVED AS TO FORM:

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**BARBARA SANDERS-NORWOOD, CCC**

Clerk to the Board of Commissioners  
and Chief Executive Officer  
DeKalb County, Georgia

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**VIVIANE H. ERNSTES**

County Attorney  
DeKalb County, Georgia