

## RESOLUTION

### **A RESOLUTION BY THE GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, REQUESTING THE GENERAL ASSEMBLY WORK TO SUPPORT LEGISLATION THAT ALLOW FOR CLAWBACK PROVISIONS WITHIN MUNICIPAL ANNEXATION AGREEMENTS**

**WHEREAS**, the Governing Authority of DeKalb County requests that the General Assembly work to support legislation that allow for clawback 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**, whenever infrastructure improvements are made by the County within boundaries owned by County, the County and its residents directly benefit from the rendering of those services; and

**WHEREAS**, in instances where a municipality seeks to annex land previously owned by the County, this land may fall within boundaries in which recent and substantial infrastructure improvements have been 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 were made by the county; and

**WHEREAS**, this recoument and “clawback” of public funds would be equitable to the county which originally funded the infrastructure improvements, 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; and

**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 were made by the county.
- 2) This provision applies to infrastructure improvements made by the county within 5 years of the date of municipal annexation, become due and payable to the county and shall be collected by it.
- 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:**

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**BARBARA SANDERS-NORWOOD, CCC**  
Clerk to the Board of Commissioners and  
Chief Executive Officer  
DeKalb County, Georgia

**APPROVED AS TO FORM:**

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**VIVIANE H. ERNSTES**

County Attorney  
DeKalb County, Georgia

