

**Legal/Due Process Issues with the
Annexation Dispute Process in O.C.G.A. Section 36-36-110 et seq.**

- The dispute process appears to have been written for annexations driven by individual smaller communities rather than annexations driven by large scale/commercial redevelopment. Thus, the entire legislation could be amended to provide a simpler dispute process for smaller annexations and a more robust process for large scale/complex annexations.
- The grounds for objection are too limited and could be revised to account for the variety of impacts on a county resulting from an annexation. For example, tax abatements offered by cities or city development authorities in connection with an annexation/rezoning could be a ground for objection since it deprives the county of tax revenue if there is more dense development. Increased traffic for surrounding communities who are not technically part of the annexed area could be considered as well.
- Often these annexations have a significant impact on a school district and school districts could be given the right to receive the petition, object and be involved in any resulting hearing.
- The legislation contains an unreasonably short time for a county to object and for hearings to occur. In complicated/large scale annexations, the city with the help of the applicant has ample opportunity to prepare its annexation and file it at an opportune time. The deadlines for response by the county and hearing should be lengthened in large scale/complex annexations to allow the county sufficient time to respond substantively.
- Often the legal/factual issues are complex and when the lawyers for the city and the county are doing their jobs there are a lot of issues to be decided prior to and during the hearing. The law could be amended to require a hearing officer to represent the panel and resolve legal issues. The hearing officer should be well versed in local government law.
- The legislative process does not contemplate pre-hearing rules on disclosure of documents, witnesses, and the location of the actual hearing. When disagreements arise, there is no specific avenue for redress. Thus, the law could be amended to require the promulgation of procedural rules to govern this process and allow the hearing officer to decide such pre-trial issues, with panel input.
- Panelists are elected officials and in complicated/large scale annexations, the review by the panel is time consuming. Panelists ought to be fairly compensated for their time. (The attached photograph shows the notebooks of the parties' documents submitted for review by the panel in the most recent annexation dispute with the City of Brookhaven).